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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

**Common Legal Representative of Victims'
Additional Submissions on Reparations**

Source: Office of Public Counsel for Victims

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

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I. INTRODUCTION

1. The Common Legal Representative of Victims (the “CLR/V”) recalls *in toto* her previous submissions on reparations.¹ She generally agrees with the submissions filed by the other team of Legal Representatives of Victims, the Registry and the Prosecution. Therefore, she addresses in the present observations, the preliminary matter raised by the Defence concerning the suspension of the reparations phase (under III.); additional relevant matters (under IV.) and issues raised by the other parties or participants which merit further elaboration (under V.). Finally, she provides some observations on the *Amici Curiae*’s submissions relevant to the interests of the victims she represents (under VI.).

II. PROCEDURAL HISTORY

2. On 6 December 2021, the CLR/V filed her comprehensive submissions on reparations.² The same day, the other team of Legal Representatives of Victims, the Defence, the Trust Fund for Victims and the Registry filed their submissions on reparations.³

¹ See the “Common Legal Representative of Victims’ Submissions on Reparations”, No. ICC-02/04-01/15-1923-Conf and [No. ICC-02/04-01/15-1923-Red](#) + [Anx1](#), [Anx2](#), [Anx3](#), [Anx4](#) and [Anx5](#), 6 December 2021 (the “CLR/V Submissions”).

² See the CLR/V Submissions, *supra* note 1. See also the “Decision on requests for extension of time” (Trial Chamber IX), [No. ICC-02/04-01/15-1865](#), 19 July 2021; and the “Order for Submissions on Reparations” (Trial Chamber IX), [No. ICC-02/04-01/15-1820](#), 6 May 2021 and the “Decision on the Victims’ Request for an extension of the time limit to submit their observations on reparation proceedings” (Trial Chamber IX), [No. ICC-02/04-01/15-1910](#), 18 November 2021.

³ See the “Victims’ Preliminary Submissions on Reparations”, [No. ICC-02/04-01/15-1921](#) (the “LRV Submissions”); the “Defence Submissions on Reparations”, [No. ICC-02/04-01/15-1917](#) (the “Defence Submissions”); the “Trust Fund for Victims’ Observations relevant to Reparations”, [No. ICC-02/04-01/15-1920](#) (the “TFV Observations”); and the “Registry’s Mapping Report and Submission on Reparations”, [No. ICC-02/04-01/15-1919](#) + [AnxI](#) and [AnxII](#) – all filed on 6 December 2021.

3. On 6 and 9 December 2021, 14 January 2022⁴ and 5 February 2022,⁵ four of the ten *Amici Curiae* authorised to intervene filed their observations under rule 103 of the Rules of Procedure and Evidence (the “Rules”).

4. On 7 February 2022, four other *Amici Curiae*,⁶ as well as the Government of Uganda⁷ filed their observations. The same day, the other team of Legal Representatives of Victims, the Registry and the Prosecution filed additional submissions on reparations.⁸

III. PRELIMINARY MATTER: THE DEFENCE’S REQUEST FOR A SUSPENSION OF THE REPARATIONS PHASE UNTIL A FINAL JUDGMENT ON APPEAL IS ISSUED

5. The CLRV addresses first the Defence’s request to temporarily stay the reparations proceedings until the final judgment on appeal is issued by the Appeals Chamber on both the conviction and sentencing (the “Request”).⁹ In particular, the Defence indicates it has limited resources and argues that proceeding

⁴ See the “Request for leave to file submission on reparations issues pursuant to Article 75 of the Statute and rule 103 of the Rules”, [No. ICC-02/04-01/15-1922](#), 6 December 2021; the “Submissions of amicus curiae observations”, [No. ICC-02/04-01/15-1925](#), 9 December 2021; the “SUBMISSIONS ON AMICUS CURIAE OBSERVATIONS ON LEGAL QUESTIONS PRESENTED IN ORDER No. ICC-02/04-01/15-1820 ON REPARATIONS”, [No. ICC-02/04-01/15-1947](#), 14 January 2022. See also the “Decision on the requests for leave to submit amicus curiae observations” (Trial Chamber IX), [No. ICC-02/04-01/15-1860](#), 17 June 2021.

⁵ See the “Amicus Curiae brief pursuant to article 75 of the Statute and Rule 103 of the Rules of Procedure and Evidence”, [No. ICC-02/04-01/15-1971](#), 4 February 2022.

⁶ See the “Public Order for Submission of Reparation”, [No. ICC-02/04-01/15-1980](#); the “Amicus Curiae observations by the International Center for Transitional Justice and the Uganda Victims Foundation, pursuant to article 75 of the Statute and Rule 103 of the Procedure and Evidence”, [No. ICC-02/04-01/15-1974](#); the “Submission on Amicus Curiae Observations on Reparations”, [No. ICC-02/04-01/15-1973](#); and the “Joint Submission by the United Nations on Reparations pursuant to Rule 103 of the Rules of Procedure and Evidence”, [No. ICC-02/04-01/15-1972](#) - all submitted on 7 February 2022.

⁷ See the “The Government of the Republic of Uganda’s Submissions on Reparations”, [No. ICC-02/04-01/15-1978](#), 7 February 2022 (the “Ugandan Government Submissions”).

⁸ See the “Victims’ Further Submissions on Reparations”, [No. ICC-02/04-01/15-1977](#); the “Prosecution’s Observations on Reparations”, [No. ICC-02/04-01/15-1976](#) (the “Prosecution’s Observations”); and the “Registry’s Additional Submissions on the Mapping Exercise and Reparations”, [No. ICC-02/04-01/15-1975](#) - all submitted on 7 February 2022.

⁹ See the Defence Submissions, *supra* note 3, paras. 19 to 27.

with the reparations phase is prejudicial to Mr Ongwen's rights and will unduly raise victims' expectations.

6. The CLRV shares the Prosecution's submissions on the Request¹⁰ and adds that the arguments raised by the Defence are not enshrined in law nor supported by any facts.

7. Firstly, article 82(3) of the Rome Statute (the "Statute") provides that an appeal shall not of itself have suspensive effect unless the Appeals Chamber so orders.¹¹ The Defence failed to introduce such a request in its Notices of Appeals against the Judgment and the Sentence.¹²

8. Secondly, while *"in the Court's statutory instruments, the power to order suspensive effect is only given to the Appeals Chamber"*,¹³ Trial Chamber III underlined that *"Article 64 (3)(a) of the Statute gives a Trial Chamber the power to suspend the proceedings if this is*

¹⁰ See the Prosecution's Observations, *supra* note 8, paras. 3 to 7.

¹¹ See the "Decision on the Defence's request to suspend the reparations proceedings" (Trial Chamber III), [No. ICC-01/05-01/08-3522](#), 5 May 2017, para. 14; the "Decision on request for suspensive effect" (Appeals Chamber), [No. ICC-02/05-01/20-134 OA](#), 25 August 2020, para. 5; the "Decision on the request of the Prosecutor of 19 December 2012 for suspensive effect" (Appeals Chamber), [No. ICC-01/04-02/12-12 OA](#), 20 December 2012, para. 17; and the "Decision on the Prosecutor's 'Application for Appeals Chamber to Give Suspensive Effect to Prosecutor's Application for Extraordinary Review'" (Appeals Chamber), [No. ICC-02/04/01/05-92 OA](#), 13 July 2006, para. 6. See also the "Decision on suspensive effect" (Appeals Chamber), [No. ICC-01/13-43 OA](#), 6 August 2015, para. 7: *"The Appeals Chamber has consistently held that its decision to order that an appeal has suspensive effect is discretionary and that, when examining a request for suspensive effect, it 'will consider the specific circumstances of the case and the factors it considers relevant for the exercise of its discretion under these circumstances'. [...] In past decisions, the Appeals Chamber, when deciding on requests for suspensive effect, has considered whether the implementation of the decision under appeal (i) 'would create an irreversible situation that could not be corrected, even if the Appeals Chamber eventually were to find in favour of the appellant', (ii) would lead to consequences that 'would be very difficult to correct and may be irreversible', or (iii) 'could potentially defeat the purpose of the appeal'".*

¹² See the "Defence Notice of Appeal of the Sentencing Decision", [No. ICC-02/04-01/15-1862](#), 28 June 2021; and the "Defence Notification of its Intent to Appeal the Trial Judgment", [No. ICC-02/04-01/15-1826](#), 21 May 2021.

¹³ See the Decision on the Defence's request to suspend the reparations proceedings, *supra* note 11, para. 17.

‘necessary to facilitate the fair and expeditious conduct of the proceedings’”.¹⁴ The CLRV notes that the Defence seems not to rely on this avenue or, at the very minimum, does not refer to said legal provision in support of its Request. Nonetheless, and as developed *infra*, the CRLV submits that, in the present circumstances, suspending the proceedings is not *necessary to facilitate the fair and expeditious conduct of the proceedings*, and, to the contrary, doing so would actually prejudice both the right to fair and expeditious proceedings, be highly detrimental to the interests of justice and the rights of victims. In this regard, Trial Chamber III underlined that *“suspension of all reparations proceedings until after the Appeals Chamber has rendered its decision would substantially impact on the victims’ interests to access reparations in a timely manner”*.¹⁵

9. In fact, Trial Chamber III – adjudicating a similar request – ruled as follows: *“It is an established practice at this Court that preparatory steps to facilitate and expedite the reparations proceedings are launched following a conviction. The issuance of a reparations order is not prejudicial to the rights of the convicted person irrespective of whether there is an appeal against the conviction decision. The execution of a reparations order on the other hand depends upon a conviction”*.¹⁶ Similarly, the current reparations proceedings are at a preliminary stage and all steps taken are of a preparatory nature. Therefore, suspending the preparation stage would not be useful, but rather only prejudicial. Indeed, proceedings can only be led expeditiously if the conceptualisation phase that is preliminary to an order for reparations is carried out as soon as possible, pending the resolution of the appeals. Moreover, after the issuance of a reparations order, there will still be a phase of important submissions from the parties and the Trust Fund for Victims (the “TFV”) before any implementation can start *per se*.

10. Although the criteria differ between a request to impose a permanently stay of the proceedings and a request for a temporary stay or an adjournment, the latter

¹⁴ *Ibid.*

¹⁵ *Idem*, para. 19.

¹⁶ *Idem*, para. 15.

remains nonetheless a discretionary remedy arising from the Chamber's power under article 64 of the Statute to control the conduct of the proceedings in a fair and expeditious manner. The focus of the Chamber's "*analysis should be on the question whether an immediate adjournment is warranted*".¹⁷ While the Defence contends that a stay is warranted, its submissions in support appear mostly speculative, notably because they are premised on the scenario that the pending appeals will, definitely, be granted. Furthermore, the fair trial guarantees must apply throughout the proceedings and in respect of all parties and participants, including the victims. This is all the more important at the reparations stage, where the victims are parties.

11. Moreover, contrary to the Defence's assertions, the proceedings leading to the issuance of a reparations order do not unduly raise the victims' expectations. In fact, the better way to manage said expectations is not to suspend the proceedings but to ensure their proper publicity and transparency, accompanied by appropriate explanations carried jointly by the Court - through an appropriate and effective outreach programme - and by the Legal Representatives in their contacts with their clients.

12. Lastly, the argument about the Defence's resources will be moot by 7 March 2022.¹⁸

13. Consequently, the CLRV submits that the Defence's request for a temporary stay of the proceedings is unfounded and ought to be rejected.

¹⁷ See the "Decision on Defence request for temporary stay of proceedings" (Trial Chamber VI), [No. ICC-01/04-02/06-2335](#), 18 April 2019, para. 11.

¹⁸ As underlined by Trial Chamber III, "*the Chamber needs to balance its duty to make use of the Court's resources appropriately, with its obligation to promote efficient and expeditious proceedings, taking into account the ultimate goal of reparations proceedings and victims' rights*". See the Decision on the Defence's request to suspend the reparations proceedings, *supra* note 11, para. 22.

IV. SUBMISSIONS ON THE LEGAL REPRESENTATION OF NEW APPLICANTS FOR REPARATIONS

14. The CLRV underlines that the reparations proceeding is an essential phase for the victims and the assistance of counsel is crucial for them to be able to comprehensibly present their needs and wishes and to interact with the Court and the Trust Fund for Victims. Indeed, the involvement of counsel has proved important in the ongoing reparations proceedings,¹⁹ not only to manage victims' expectations, but most importantly to support the TFV's efforts at the implementation phase, ensuring that the needs and wishes of victims are duly taken into account and addressing the relevant Chamber, if needed.

15. In this regard, and on the Defence's assertion that "*potential new beneficiaries [...] are not represented by counsel*",²⁰ the CLRV notes, firstly, that new applicants may already have appointed counsel or approach them to be represented during the reparations proceedings. In this regard, both Legal Representatives' teams are already in contact with new applicants. Secondly, that the individuals who submitted their application for reparation after the end of the trial or those who will manifest themselves for the purpose of reparations at a later stage - and who did not (will not) appoint a counsel - should not be deprived of a proper effective and efficient legal representation throughout the reparations process.²¹ Otherwise, these categories of

¹⁹ See the "Decision on the Request of the Trust Fund for Victims of 17 July 2020 seeking the Chamber's Approval of the Modes of Implementation Concerning Purchases of Motorcycles, Fuel and Miscellaneous Items" (Trial Chamber II), [No. ICC-01/04-01/07-3859-tENG](#), para. 21. See also the "Ordonnance enjoignant aux Représentants légaux des victimes de déposer des observations sur les écritures du Fonds au profit des victimes du 18 novembre 2019" (Trial Chamber II), [No. ICC-01/04-01/07-3844](#), 20 November 2019, para. 5.

²⁰ See the Defence Submissions, *supra* note 3, para. 23.

²¹ See the TFV Observations, *supra* note 3, para. 34: "*All victims are to be treated fairly and equally as regards reparations, irrespective of whether they participated in the trial proceedings*".

victims will be put at a disadvantage and subject to a different and discriminatory treatment,²² at odds with good practices in this regard.²³

16. Therefore, in the present reparations process, the victims remain represented by the counsel of their choice, including the new ones who already appointed or approached the Legal Representatives already appointed in these proceedings. For the unrepresented victims, noting the jurisprudence of the Court on the matter,²⁴ the CLRV informs Trial Chamber IX (the “Chamber”) that she remains available and able to represent the interests of new applicants, not represented by the other team of counsel.

V. SUBMISSIONS ON ISSUES RAISED BY THE PARTIES, THE TFV AND THE UGANDAN GOVERNMENT

1. Matters raised by the Defence

17. The CLRV concurs with the Defence on the following: (i) the exact number of victims may never be conclusively determined given the passage of time and the nature of the crimes committed by the LRA;²⁵ (ii) participating victims already admitted and represented in this case should be eligible for reparations upon fulfilling the modalities set by the Chamber;²⁶ (iii) while all victims are to be treated fairly and

²² In this regard, the CLRV notes the provisions of the [Code of Professional Conduct for counsel](#), *inter alia*, articles 5, 6, 7, 9, 14, 15, 16, and 24. Said provisions deal with the non-discrimination principle which requires the equal treatment of an individual or group irrespective of their particular characteristics, and is therefore an integral part of the principle of equality before the law. The CLRV submits that the fact that the victims did not all request for reparations at the same stage of the proceedings is not an objectively justified ground for a differential treatment in terms of legal representation.

²³ See, *inter alia*, articles 2 and 26 of the [International Covenant on Civil and Political Rights](#), General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976; and the [Basic Principles on the Role of Lawyers](#), Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

²⁴ See, *inter alia*, the “Decision on the TFV’s initial draft implementation plan with focus on priority victims” (Trial Chamber II), [No. ICC-01/04-02/06-2696](#), 23 July 2021, para. 40; and the “Notification of designation of the Office of Public Counsel for Victims as legal representative of unrepresented applicants for reparations”, [No. ICC-01/05-01/08-2982](#), 17 February 2014, p. 4.

²⁵ See the Defence Submissions, *supra* note 3, para. 37.

²⁶ *Idem*, para. 39.

equally, priority may need to be given to certain categories of victims who are in a particularly vulnerable situation or require urgent assistance;²⁷ and (iv) it is crucial to provide the victims with opportunities for rehabilitation.²⁸

18. The CLRV addresses *infra* some contentious issues raised in the Defence's submissions.

a) *New applicants and rights of the Defence*

19. The CLRV disagrees with the Defence's contention according to which new applications by victims at this stage "*may constitute fresh allegations*" which Mr Ongwen "*has the right to defend against*".²⁹ Indeed, the Defence appears to misinterpret the purpose of the reparations proceedings. The fact that said proceedings can only be triggered once an accused has been convicted clearly indicates that no new allegations can be brought at this juncture. The purpose of reparations proceedings is to identify for the benefit of the victims measures which could alleviate the consequences of the harms they have suffered from because of the crimes committed.

20. The Defence also misconstrues its role in the reparations proceedings. In this regard, the established jurisprudence of the Court has recognised the limited role of the Defence at said stage, focusing mainly on the determination of the liability of the convicted person and a general challenge of the types of harms victims have suffered from. Once having ensured that the extent of the conviction and its link to the reparations is upheld, and the monetary liability of the convicted person is set, the results of the screening process of new applicants will have no impact thereon and the Defence's role becomes minimal.³⁰

²⁷ *Idem*, paras. 44-45.

²⁸ *Idem*, para. 55.

²⁹ *Idem*, paras. 29-30.

³⁰ See the "Public redacted Judgment on the appeals against Trial Chamber II's 'Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable'" (Appeals Chamber), [No. ICC-01/04-01/06-3466-Red A7 A8](#), 18 July 2019, para. 251; and the "Public redacted Judgment on the appeal of the victims against the 'Reparations Order'" (Appeals Chamber), [No. ICC-01/12-01/15-259-Red2 A](#), 8 March 2018, paras. 78 to 95, in particular para. 93.

b) Mr Ongwen's alleged victimhood

21. The CLRV opposes the Defence's contention about any *entitlement* of Mr Ongwen in the reparations proceedings. Such contention not only disregards but also disrespects the victims' sufferings and is all the more shocking that Mr Ongwen has not expressed any remorse to the victims to this day. In this regard, the CLRV does agree with the Defence's statement that "[r]eparations can assist in promoting reconciliation between the convicted person, the victims of the crimes and the affected communities".³¹ However, and as clearly expressed in the Legal Representatives' Joint Submissions on sentencing,³² reconciliation initiatives will eventually be welcomed once the victims have benefitted from reparations and following, if any, Mr Ongwen's seeking of forgiveness and reconciliation himself. A year ago, the victims bitterly observed that Mr Ongwen's behaviour had shown the opposite of such intention. Mr Ongwen's recent oral intervention before the Appeals Chamber, markedly silent with regard to remorse or excuses,³³ confirms his unwillingness to truly engage in much-needed peace and reconciliation efforts for the affected communities in Northern Uganda.

22. The CLRV does not contest the fact that former child soldiers and convicts alike are entitled under national and international law to appropriate assistance for their recovery and social reintegration. However, in the case of Mr Ongwen, who is convicted of 62 heinous crimes, such efforts ought to be made while he serves his sentence and after his release.³⁴

³¹ See the Defence Submissions, *supra* note 3, para. 2.

³² See the "Victims' Joint Submissions on sentencing", [No. ICC-02/04-01/15-1808](#), 1 April 2021, paras. 112 to 115.

³³ See the transcripts of the hearing held before the Appeals Chamber on 18 February 2022, [No. ICC-02/04-01/15-T-267-ENG ET WT](#), from p. 35, line 2 to p. 46, line 15.

³⁴ See the Defence Submissions, *supra* note 3, paras. 32, 34 and 36. See also the transcripts of the hearing held before the Appeals Chamber on 17 February 2022, [No. ICC-02/04-01/15-T-266-ENG ET](#), p. 73, lines 15 to line 25.

c) *The notion of indirect victims*

23. The Defence does not provide any arguments in support of its request to exclude from the category of indirect victims, “*anyone who attempted to prevent the commission of one or more of the crimes under consideration*”.³⁵ Based on the constant jurisprudence of the Court, recalled by the Defence itself,³⁶ individuals who were victimised in said way do suffer a personal and direct harm caused as a result of the crimes for which Mr Ongwen has been convicted.³⁷ Therefore, they clearly fall under the category of “victims” as defined in rule 85 of the Rules, having a direct connection with the crime(s). This is also because the harm they suffered from is a direct consequence of the crime(s) committed.

24. The CLRV further wishes to nuance the position presented by the Defence according to which “*only victims who suffered harms arising from the crimes for which Mr Ongwen was convicted during the temporal jurisdiction of the case [...] should be eligible for reparations in this case*”.³⁸ Although the general principle is correct, it should not be read as excluding the recognition of transgenerational harm suffered by the dependants of the direct and indirect victims and the support afforded to them through the reparations program to be proposed by the TFV.

d) *Liability of Mr Ongwen*

25. The CLRV strongly disagrees with the Defence’s suggestion according to which the reparations order should not be against Mr Ongwen.³⁹ The jurisprudence in previous cases is unequivocal on this point. A reparation award is not determined in the abstract, but *against a specific person* who bears responsibility for the crimes committed and the harm inflicted. In this regard, when the issue of the liability of the

³⁵ See the Defence Submissions, paras. 41 to 43.

³⁶ In this regard, see the Prosecution’s Observations, *supra* note 8, para. 27; and the TFV Observations, *supra* note 3, para. 14.

³⁷ See the Defence Submissions, *supra* note 3, para. 42.

³⁸ *Idem*, para. 38.

³⁹ *Idem*, para. 60.

convicted person was a matter on appeal in the *Lubanga* case, the Appeals Chamber found in unambiguous terms that: “*the legal framework [of the Court] clearly establishes that an order for reparations has to be issued in all circumstances against the convicted person. When appropriate, such an order for reparations can – in addition – be made through the Trust Fund*”.⁴⁰ As a result, and as already stressed in her previous submissions,⁴¹ the CLRV recalls that the liability of the convicted person is a legal requirement. The fact that Mr Ongwen might be at present indigent has no impact on the determination of his financial liability; and, actually, taking said factor into account would constitute, according to the jurisprudence of the Appeals Chamber, an error.⁴²

26. Furthermore, as per the clear terms of the Appeals Chamber jurisprudence, there is no incompatibility between issuing an order for reparations against the convicted person (thereby reflecting his responsibility and culpability) and asking the TFV to implement such an order, if *at the time of the issuance of the former*, Mr Ongwen has no resources.⁴³ The CLRV stresses as well that the recognition of Mr Ongwen’s liability for reparations is important for the victims because it will reflect the obligation of the convicted person to repair the multiple and extensive harms they suffered from and the extremely grave crimes perpetrated by him as recognised in the Judgement.

27. Finally, the CLRV notes that the situation of indigence of Mr Ongwen might change with time. Therefore, the determination of his liability for reparations purposes is essential for his, if any, eventual contribution, should he have available resources in the future.

⁴⁰ See the “Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2” (Appeals Chamber), [No. ICC-01/04-01/06-3129](#), 3 March 2015, para. 76.

⁴¹ See the CLRV Submissions, *supra* note 1, paras. 116 ff.

⁴² See the Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2, *supra* note 40, paras. 102 to 105.

⁴³ See the Defence Submissions, *supra* note 3, para. 3.

e) Other matters

28. Finally, the CLRV takes issue with (i) the Defence's statement that *most* of Mr Ongwen's victims are Acholi and Langi⁴⁴ since this assumption overlooks the victims who are Teso; and (ii) the statement about '*double reparations*'⁴⁵ in so far as some victims would have benefited from projects set up by NGOs assisting certain groups of people, especially former child soldiers.

29. In this regard, the CLRV notes that such scarce and random help from NGOs - that very few of the victims only *might* have benefited from - cannot be compared to actual "reparations" provided in the Statute. In any case, the CLRV recalls her previous submissions,⁴⁶ highlighting that none of her clients has received to date any assistance nor compensation for the crimes committed by the convicted person.

2. Matters raised by the Trust Fund for Victims

30. The CLRV concurs with and supports the TFV's interpretation of the basic principles and good practices that are to be upheld in the reparations proceedings,⁴⁷ and wish to insist notably on the following elements: the importance of local traditions and cultural specificities;⁴⁸ the need for an inclusive and participative process involving the victims at all phases (including through legal representation);⁴⁹ the essential recognition of specific categories of particularly vulnerable victims like children born out of rape and SGBC victims;⁵⁰ the non-mutually exclusive character of individual and collective reparations which may be awarded concurrently,⁵¹ and the need to foresee multiple modalities of reparations for the same harm suffered by the

⁴⁴ *Idem*, para. 46. d.

⁴⁵ *Idem*, paras. 57-58.

⁴⁶ See the CLRV Submissions, *supra* note 1, paras. 112 to 114.

⁴⁷ See the TFV Observations, *supra* note 3, paras. 21 to 42.

⁴⁸ *Idem*, para. 16.

⁴⁹ *Idem*, paras. 21, 22, 41 and 95.

⁵⁰ *Idem*, para. 21.

⁵¹ *Idem*, para. 23.

victims in order to respond to their needs in an holistic manner,⁵² taking duly into consideration their wishes;⁵³ the implementation of reparations in a flexible manner which will adapt to the changing needs and realities;⁵⁴ that reparations should aim at reconciling the victims with their families and communities, while addressing any underlying injustices and discriminatory practices predating the crimes;⁵⁵ and the need to implement support programmes that are self-sustaining, in order for the victims, their families, and communities to benefit from these measures over an extended period of time,⁵⁶ therefore enabling them to rebuild their lives and regain their dignity.⁵⁷

31. The CLRV addresses *infra* the matters arising from the TFV's observations which require further discussion.

a) *The notion of family and the presumptions for people with disability and minors*

32. The CLRV agrees that the notion of family has to be understood broadly and that due consideration shall be given to social and familial structures in light of cultural variations.⁵⁸ While the CLRV would be supportive of a proposal aiming at facilitating further the inclusion of family members, she does not fully comprehend the purpose of the proposal related to a "*family-centred approach*" in identifying and verifying victims "*for easier access [to the ones] who are ostracised*".⁵⁹ Indeed, based on her extensive experience in representing victims from Uganda, she notes that specifically the victims of SGBC and their children, or former child soldiers, will not be easily reachable through their family precisely because many of them have been ostracised so long. In this regard, she is also concerned about the impact of such an approach on

⁵² *Idem*, paras. 42 and 52.

⁵³ *Idem*, para. 95.

⁵⁴ *Ibid.*

⁵⁵ *Idem*, paras. 32, 35, 74, 85 and 86.

⁵⁶ *Ibid.*

⁵⁷ *Idem*, paras. 98 and 115.

⁵⁸ *Idem*, para. 15.

⁵⁹ *Idem*, para. 14.

the potential exposure and disclosure of information the victims may have kept secret to members of their families. Therefore, she is of the opinion that this aspect suggested by the TFV should be clarified further.

33. The CLRV welcomes the proposal of having a presumption for minors.⁶⁰ In this regard, she notes that such presumption could be applicable with the caveat that minors should be involved in the choices which concern them, particularly in the Ugandan context, when they are above 12 years old.

34. Regarding people with disabilities, the CLRV disagrees with the proposed presumption. Indeed, there is no obvious reasons why they should be represented by caregivers if they are willing and able to represent themselves; therefore, such representation can only occur if they manifestly consent to it. The CLRV submits that proceeding differently would run against the principles of a victim-centred approach and non-discrimination and be prejudicial to the persons concerned.

b) *The identification of eligible victims*

35. On the proposal to defer the eligibility model in the draft implementation plan (the “DIP”),⁶¹ the CLRV submits that the Chamber should directly address this matter in the reparations order for the sake of expeditiousness of the proceedings and clarity for the victims. This issue may indeed give rise to new litigation at the DIP stage, therefore further postponing its implementation. In this regard, since the TFV has already designed in the *Ntaganda* case the model it wishes to use in other proceedings, with the caveat that it remains adaptable and flexible,⁶² the CLRV sees no reason why it should not be submitted to the Chamber and the parties for their appraisal.

⁶⁰ *Idem*, para. 17.

⁶¹ *Idem*, paras. 47 ff. and para. 55 *in fine*.

⁶² *Idem*, paras. 54 and 55.

36. Additionally, regarding the eligibility of the participating victims to reparations, the CLRV does not share the TFV's position that "*given the different standards of proof for participation compared to reparations, a participating victim may not in all circumstances automatically qualify or receiving reparations*".⁶³ As submitted in her previous observations,⁶⁴ in accordance with the jurisprudence of the Court, in as much as Mr Ongwen has been convicted for all the crimes he was accused of, the victims who were allowed to participate in the trial must automatically qualify for reparations.

37. Finally, in order to avoid further litigation that may hamper the implementation of the DIP at a later stage, the CLRV underlines that, as noticed by the TFV, the victims are "*spread throughout the territory of northern Uganda and even throughout Uganda*".⁶⁵ Therefore, she posits that this element has to be taken into consideration in the identification of the eligible victims *and* be included in the reparations order - and further in the design of the DIP -, to avoid excluding potential beneficiaries and/or amending the scope of the DIP at a later stage.

c) The prioritisation of particularly vulnerable victims

38. The CLRV reiterates the approach presented in her previous submissions.⁶⁶ In this regard, noting the suggestion of the TFV,⁶⁷ she observes that the Funds' experience with the most vulnerable victims in Uganda relates to the assistance programme which serves a different purpose and targets a different type of victimisation compared to the ones recognised in the Judgment.⁶⁸ While the victims with long-standing physical injuries are to be prioritised, this category cannot be the only one to be singled out in light of the needs of the participating victims as expressed by the Legal Representatives in their respective submissions. The Chamber has indeed also

⁶³ *Idem*, para. 44.

⁶⁴ See the CLRV Submissions, *supra* note 1, para. 30.

⁶⁵ See the TFV Observations, *supra* note 3, paras. 114 and 165.

⁶⁶ See the CLRV Submissions, *supra* note 1, paras. 12, 13 and 36 to 41.

⁶⁷ See the TFV Observations, *supra* note 3, paras. 59 ff.

⁶⁸ *Idem*, para. 61.

already recognised the extreme vulnerability of the SGBC victims and their children born of rape or in the bush and of former child soldiers, and the specific harm they suffer from.⁶⁹

39. The CLRV also notes that the TFV seems to understand the query of the Chamber in relation to prioritisation “*as referring to the process of implementation*”.⁷⁰ To the contrary, the CLRV understands the query of the Chamber as addressing both a prioritisation system *before* the start of the implementation phase and *during* the implementation phase. Indeed, the notion of prioritisation should refer, in her view, to the possibility of addressing ‘as a priority’ situations which can no longer wait. In this regard, the TFV’s intention to focus on the development of a DIP, without starting in parallel with the design and implementation of an initial plan for priority victims (referred to as the “initial DIP for priority victims” in the *Ntaganda* case),⁷¹ seems to defeat the *rationale* of putting in place measures for the benefit of the victims whose needs cannot wait to be addressed anymore.

40. The TFV’s proposal seems to imply a rather long process, impacting negatively on the expeditiousness of the proceedings and on the need to start implementing reparations as promptly as possible, especially considering that the victims have been waiting for a long time.

41. Therefore, the CLRV reiterates her request to indicate in the reparations order that certain categories of victims should be considered as priority groups⁷² and that the

⁶⁹ See the “Trial Judgment” (Trial Chamber IX), [No. ICC-02/04-01/15-1762-Red](#), 4 February 2021, paras. 205 to 225, 395 to 437, 2009 to 2447, 2747 to 2752 and 3021 to 3115.

⁷⁰ See the TFV Observations, *supra* note 3, paras. 59 to 62 and paras. 124 and 125.

⁷¹ See the Decision on the TFV’s initial draft implementation plan with focus on priority victims, *supra* note 24; and the “Public redacted version of ‘Report on Trust Fund’s Preparation for Draft Implementation Plan’, submitted on 8 June 2021”, [No. ICC-01/04-02/06-2676-Red](#) + [No. ICC-01/04-02/06-2676-AnxA-Corr-Red2](#) (“Public lesser redacted version of ‘Initial Draft Implementation Plan with Focus on Priority Victims’ (‘Initial Implementation Plan’ or ‘IIP’)”), 14 June 2021.

⁷² See the CLRV Submissions, *supra* note 1, paras. 12, 13 and 36 to 41.

Chamber instructs the TFV to present, as expeditiously as possible, a specific initial draft implementation plan for the individuals facing urgent needs, prior to and pending the implementation of the general plan encompassing all the services and modalities of reparations proposed, following the practice in the *Ntaganda* case.⁷³ In this regard, she is of the opinion that said task should not be particularly cumbersome for the TFV in this case in light of the experience it gained in designing and implementing the assistance programmes.⁷⁴ As proposed in the *Ntaganda* case, and in light of the information provided by the TFV on the extent of its current assistance programs in Uganda, it is worth to evaluate if and how some assistance could be already provided to the priority victims through those programs.⁷⁵

d) *The reconciliatory community-driven processes*

42. On the suggestion to *first* put in place reconciliatory community-driven processes,⁷⁶ while the CLRV recognises their essential value, she nonetheless posits that the priority should rather be given to concrete measures that are apt to repair the harms suffered by the victims who have been waiting for too long. She therefore submits that reconciliatory processes could be put in place *simultaneously* or *at a later stage*, provided that the victims will consent to it (an hypothesis which is far from foreseeable at the moment) considering that a high number of them do not live anymore in their original communities.

⁷³ See the Decision on the TFV's initial draft implementation plan with focus on priority victims, *supra* note 24; and the Public lesser redacted version of 'Initial Draft Implementation Plan with Focus on Priority Victims, *supra* note 71.

⁷⁴ See the TFV Observations, *supra* note 3, para. 38.

⁷⁵ *Idem*, paras. 61 and 128 ff. See also the Public lesser redacted version of 'Initial Draft Implementation Plan with Focus on Priority Victims, *supra* note 71, paras. 19 to 41, 68, 71, 74, 92.

⁷⁶ See the TFV Observations, *supra* note 3, para. 62.

e) *Types and modalities of reparations*

i. *The collective reparations award*

43. The TFV considers that it may not be necessary to specify that the rehabilitation measures envisaged as collective reparations for the three categories of victims it identified have an *individual* component, since, by their very nature, the rehabilitation measures are victim-centred and benefit individuals according to their needs.⁷⁷ Although this *rationale* might very well be correct, the CLRV posits that clearly communicating on the individual impact of these measures is in fact very important for the proper understanding of the program by the victims, as well as for managing their expectations in a satisfactory manner (especially in light of the fact that many victims prefer *individual* reparations). She therefore requests the Chamber to specify this aspect in the reparations order.

44. Additionally, amongst the modalities of reparations envisaged that will provide concrete measures to the victims and relate to their family and community support, the CLRV underlines that the search for the whereabouts of disappeared persons and the assistance in the recovery, identification and reburial of bodies are key measures that ought to be implemented as soon as possible – in as much as each day passing reduces their possibility of success.⁷⁸

ii. *The individual reparations award for victims of SGBC*

45. On individual reparations award,⁷⁹ the CLRV notes the TFV proposal⁸⁰ that the seven women in Mr Ongwen's household and the children born out of the crimes committed against them be provided reparations *in the same way as* all the others SGBC

⁷⁷ *Idem*, para. 101.

⁷⁸ *Idem*, paras. 31 and 121.

⁷⁹ *Idem*, paras. 108 ff.

⁸⁰ *Ibid.*

victims.⁸¹ She disagrees with this proposal and recalls her previous submissions on the matter,⁸² stressing the unique story of and consequences on said victims which require specifically tailored reparations measures.

46. In fact, the measures proposed in her previous submissions are easily implementable in places where these individuals live. Specific vocational trainings have already been followed by some of the victims concerned at their initiative. Therefore, this will probably require only a follow-up and the provision of equipment to start an income generating activity. The CLRV also reiterates her request that these seven victims are prioritised in the implementation of reparations.

iii. Provision of a symbolic amount to SGBC victims

47. The CLRV agrees that “*compensation should be proportional and adequate to the harm suffered and the gravity of the violation as well as the circumstances of each case*”.⁸³ Consequently, on the proposal to provide a symbolic amount to SGBC victims,⁸⁴ while this measure is recognised by different international instruments, considering the high number of victims already identified and potential beneficiaries, the CLRV questions whether the provision of even a small amount of money – compared to the total eventually awarded – would be really beneficial to the victims. In addition, this course of events may pose a concrete risk of tensions and divisions within the relevant communities associated with the provision of individual reparations to a certain category of victims only, even if merely symbolic.⁸⁵

⁸¹ *Idem*, para. 110.

⁸² See the CLRV Submissions, *supra* note 1, paras. 76 to 80.

⁸³ See the TFV Observations, *supra* note 3, para. 30.

⁸⁴ *Idem*, para. 111.

⁸⁵ *Idem*, para. 23.

3. Matters raised by the Government of Uganda

48. The support of the Government of Uganda to the reparations program will be important in order to streamline its implementation and ensure ownership and long-term benefit to the victims after its completion.⁸⁶ The CLRV therefore welcomes the willingness of the Government of Uganda to play an active role in the process.

49. In this regard, it is important to underline the continuous obligation of the Government of Uganda itself to provide reparations to the victims of the war in accordance with international law, and the need to establish national programmes for rebuilding the region – Northern Uganda, as well as to provide assistance to rehabilitate victims of the LRA.⁸⁷

50. The CLRV concurs with the Government's submissions on the definition of victims and the liability of the convicted person.⁸⁸ She further shares the recommendation to notably prioritise the victims of SGBC, children born in captivity, former child soldiers and the elderly (especially in light of the absence of a well-developed social security system for later years in Uganda).⁸⁹ Moreover, the factual presumptions proposed by the Government, although not exhaustive, would respond, in part, to the situation of the victims concerned.

51. She also concurs with the Government's observations regarding the inclusion of satisfaction measures (provided that the victims consent), in particular a public apology of the convicted person;⁹⁰ the recognition of the Ugandan's social structures, putting a focus on communal more than individual interests and including the

⁸⁶ See the the CLRV Submissions, *supra* note 1, paras. 23 and 74. See also the TFCV Observations, *supra* note 3, paras. 169 to 171.

⁸⁷ See the Ugandan Government Submissions, *supra* note 7, paras. 17, 27, 37 and 39.

⁸⁸ *Idem*, paras. 7 to 13 and 17 to 21.

⁸⁹ *Idem*, paras. 21 and 32.

⁹⁰ *Idem*, para. 22.

extended family (and the correlative adoption of a presumption in this regard);⁹¹ and the necessity to develop more programs such as the TFV's assistance projects.⁹²

52. Concerning the victims of SGBC, the CLRV notes the important acknowledgment about the recognition of the crime of forced pregnancy notably,⁹³ and of the principle of gender-sensitive reparations, taking into account persisting gender relations and power imbalances,⁹⁴ as well as the Government's support for implementing transformative reparations which *"would contribute to restoring a semblance of normality to a region whose social and cultural coherence were severely damaged during the war"*.⁹⁵

53. In relation to the concern expressed with regard to the possible dissatisfaction in the communities (which risks further to hamper reconciliation⁹⁶ due to the fact that only the victims who suffered from the crimes committed by Mr Ongwen will benefit from the reparations program) -, the CLRV is of the opinion that such risk needs to be duly taken into account in the design of the reparations process. Such concerns must be addressed in building an efficient outreach campaign as part of the reparation program, as it was the case in the Democratic Republic of the Congo for instance, or in other countries where reparations programs are implemented by the Court.

54. Finally, the CLRV notes the useful considerations about i) the availability and difficulty in the provision of official documents;⁹⁷ and ii) the type of national programs put in place by the Ugandan Government to rebuild the region, which includes peace building and reconciliation, cattle restocking, food security notably for poor rural households, road infrastructure, good governance, social-economic recovery of the

⁹¹ *Idem*, paras. 25 and 35.

⁹² *Idem*, para. 26.

⁹³ *Idem*, para. 7.

⁹⁴ *Idem*, para. 23.

⁹⁵ *Idem*, para. 24.

⁹⁶ *Idem*, para. 12.

⁹⁷ *Idem*, paras. 31 and 35.

Northern and Eastern regions of Uganda and reconstructive surgery.⁹⁸ All measures for which she pleaded in her previous submissions,⁹⁹ and to which she adds the need to further address, possibly in collaboration with the TFV (notably but not only through the reparations program) the issues of land access, gender discrimination in access and inheritance rights, imbalance between men and women, access to education for all and free medical care. Finally, the estimation provided about the resources available may be of guidance for the Chamber's determination of the amount needed for reparations purposes.¹⁰⁰

VI. SUBMISSIONS ON THE *AMICI CURIAE*'S OBSERVATIONS

55. The CLRV notes that a number of observations presented by the *Amici Curiae* address matters already presented to the Chamber and limits her comments on specific issues relevant for the interests of the victims she represents.

56. Preliminarily, she addresses the criticism against the jurisprudence of the Court on reparations,¹⁰¹ noting that the Court has not only been consistent but also expanded and developed the reparations principles over time in order to take into consideration the new issues arising from each specific case. A similar effort is put in place by this Chamber in consulting the parties and other entities involved in the process. In particular, the CLRV does not concur with the statement that the Court has so far disregarded the views and preoccupations submitted by the victims of the concerned case.¹⁰² Indeed, having been a party in several ongoing reparations proceedings, she underlines that, based on the victims' observations - and the available resources, - trial chambers have issued orders for reparations that responded as closely as possible to the victims' needs and individual situations. She, however, agrees with the views

⁹⁸ *Idem*, para. 39.

⁹⁹ See the CLRV Submissions, *supra* note 1, paras. 69 to 75.

¹⁰⁰ See the Ugandan Government Submissions, *supra* note 7, paras. 39 ff.

¹⁰¹ See the *Amicus* No. 1971 Submissions, *supra* note 5, paras. 3 to 6.

¹⁰² *Idem*, para. 4.

expressed on the significant delays and the underperformance in the design and implementation of the reparations orders so far,¹⁰³ and opines that the Chamber should maintain its supervisory role in the matter throughout the process in this case.

57. On the feasibility of conducting a hearing on reparations in Uganda,¹⁰⁴ while she agrees that proximity with the victims is essential, particularly at this stage, this may delay the process which is in the final phase before the issuance of a reparations order. In this regard, she notes that the efforts put in place by the Outreach Unit of the Registry at ICC Headquarters and in Uganda have proved to be effective so far in reaching the victims and their communities and should be continued and strengthened during the reparations process. Said efforts are supported by both Legal Representatives' teams who have members based in Uganda, working in close proximity where the victims reside.

1. Eligibility and identification of victims

58. Concerning the observations as to "*extending victim standing in Ongwen's crimes to include victims beyond the five case study areas, to include all victims of his crimes in northern Uganda*",¹⁰⁵ although hundreds of thousands of victims have suffered from the atrocities of the war between the LRA and the Government of Uganda, including crimes committed under Mr Ongwen's command in other locations and other attacks, victims falling outside of the scope of this case cannot be eligible for reparations as per the legal framework and jurisprudence of the Court. However, the TFV has developed assistance projects for the benefit of other victims of crimes in Northern Uganda taken more broadly.

59. Regarding the identification of eligible victims, the CLRV notes the pilot study of the Justice Law and Order Sector (JLOS) of Uganda¹⁰⁶ and its potential use by the TFV,

¹⁰³ *Idem*, para. 12.

¹⁰⁴ See the *Amicus* No. 1974 Submissions, *supra* note 6, para. 73.

¹⁰⁵ See the *Amicus* No. 1922 Submissions, *supra* note 4, para. 22.

¹⁰⁶ See the *Amicus* No. 1971 Submissions, *supra* note 5, para. 34.

together with possible collaboration with said organisation during the implementation of the reparation program, especially regarding the provision of birth certificates for children born out of SGBC.

2. Harms suffered by the victims

60. The CLRV concurs with all the arguments contained in the United Nations Joint Submissions. In particular, she shares the observations about the “*uniquely gendered and high level of stigmatized nature of SGBC [posing] specific challenges to victims*” and the extent of the harms suffered by the victims of SGBC, from physical and psychological harm to isolation and stigmatization, and the deprivation of socio-economic means to sustain their livelihood;¹⁰⁷ as well as the harms suffered by children born in captivity and the related social stigmatisation and isolation they are facing.¹⁰⁸ She particularly upholds the submissions related to women’s fertility and the consequence of unwanted pregnancy;¹⁰⁹ as well as the observations according to which “*intergenerational cycle of harm effects the newer generations’ emotional behaviour, attachment and wellbeing*”.¹¹⁰ Finally, she agrees that a comprehensive human rights based and victim-centric approach to reparations requires the recognition of harms suffered by all children under the age of eighteen because the harms suffered by children between fifteen and eighteen as a result of the crimes in question “*are analogous to and consistent with the harm experienced by children under fifteen*”.¹¹¹

61. The CLRV also shares the observations according to the need to prevent permanent damage by urgently assisting the victims with degenerating pathologies such as those who are HIV-positive, their children and their partners.¹¹²

¹⁰⁷ See the *Amicus* 1972 Submissions, *supra* note 6, paras. 8 to 13. See also the CLRV Submissions, *supra* note 1, paras. 49 to 51.

¹⁰⁸ See the *Amicus* 1972 Submissions, *supra* note 6, paras. 14 to 18. See also the CLRV Submissions, *supra* note 1, para. 51.

¹⁰⁹ See the *Amicus* 1972 Submissions, *supra* note 6, paras. 12 and 13.

¹¹⁰ *Idem*, para. 14.

¹¹¹ *Idem*, para. 22.

¹¹² See the *Amicus* No. 1974 Submissions, *supra* note 6, paras. 8 and 10.

62. Regarding the submissions on the extent of physical, psychological, material and transgenerational harms inflicted upon the victims, as well as educational, land, displacement and family issues encountered, they echo to some extent the information already before the Chamber, notably provided by the Legal Representatives.¹¹³

63. Finally, the CLRV notes the data presented by the International Center for Transitional Justice and the Uganda Victims Foundation in relation to specific categories of victims and harms suffered.¹¹⁴ Said information, although not directly linked to the case, may be of some relevance to the Chamber in further understanding the extent of the victimisation and the number of potential beneficiaries.

3. Modalities of reparations

64. The CLRV notes that generally the *Amici Curiae* agree with the basic principles on which reparations ought to be developed at the Court, *i.e.* a victim-centred methodology, enabling environment, greater outreach, localised approach for participation, information sharing, gender sensitive and do no harm approaches, victim agency, representation and consultation.¹¹⁵

65. The CLRV notes the interesting submissions regarding environmental reparation and livestock compensation which may be of value to the Chamber.¹¹⁶

¹¹³ See the *Amicus* No. 1947 Submissions, *supra* note 4, pp. 10 to 14. See also the *Amicus* No. 1925 Submissions, *supra* note 4, section 5(e), pp. 6 and 7.

¹¹⁴ See the *Amicus* No. 1980 Submissions, *supra* note 6, pp. 6 to 12.

¹¹⁵ See, *inter alia*, the *Amici* No. 1972 and No. 1971 Submissions, *supra* note 6 and note 5, paras. 23 to 34 and paras. 3 to 32 respectively.

¹¹⁶ See the *Amicus* No. 1973 Submissions, *supra* note 6, paras. 30, 31, 39 and 41. On the minor terminological issue about the suggested use of the expression 'victims-led approach' instead of 'victims-centred approach' adopted by the Court, the CLRV is of the opinion that it is a purely lexical change which does not seem necessary (see paras. 14 and 15).

66. The CLRV concurs with the submissions related to resolving the land disputes by providing assistance with land registry and through relevant support of NGOs and CSOs.¹¹⁷ As already indicated at trial, the issue of land is one of the main problems for a number of victims in this case.¹¹⁸ Therefore, access to land is indeed a pre-condition for furthering relevant modalities of reparations for most of the victims. Including this aspect in the reparations order and in the subsequent DIP would foster equality and respect for the traditional culture and values.

67. The CLRV further concurs with the submission regarding the establishment of a mechanism that would allow the participation of victims beyond the prescribed timeframe and their access to certain reparations measures.¹¹⁹ She also subscribes to the reasoning that reparations should complement existing development programs in Uganda and possibly foster initiatives by the Ugandan Government in the area of transitional justice to strengthen the guarantee of “*non-recurrence*”.¹²⁰

¹¹⁷ *Idem*, para 21. The *Amicus* posits that “*land disputes are a fundamental issue in need of resolution, have become pervasive and are a direct result of the war and the encampment period*”.

¹¹⁸ See the CLRV Submissions, *supra* note 1, paras. 22, 47, 50, 72, 76, 77, 87 and 104. See also the “Public redacted version of Common Legal Representative of Victims’ Closing Brief (ICC-02/04-01/15-1720-Conf)”, [No. ICC-02/04-01/15-1720-Red](#), 28 February 2020 (submission of the confidential version on 24 February 2021), paras. 87, 88, 90, 91, 213, 218; the Report of PCV-0003, “Expert Report on the Interplay of Acholi Culture with the Traumas meted out to the Acholi People of Uganda by the Lord’s Resistance Army, LRA: the crimes, the harms suffered by the victims and the impacts of the crimes on the victims”, UGA-PCV-0003-0046, pp. 15, 17, 21, 22; PCV-0003’s testimony ([T-177](#) p. 38 line 2 – p. 39 line 8, commenting on the testimony of P-0006 and [T-178](#), p. 19 line 2 – p. 20 line 21); P-0422’s testimony ([T-28](#) p. 75 line 8 – p. 77 line 13; and p. 105 lines 2-16 and [T-29](#), p. 102 line 24 – p. 105 line 22); P-0269’s testimony ([T-85](#), p. 65 line 25 – p. 66 line 10); and P-0006 - victim a/3074/10’s testimony ([T-140](#), pp. 30-32).

¹¹⁹ See the *Amicus* No. 1971 Submissions, *supra* note 5, para. 39.

¹²⁰ *Idem*, para. 23.

Respectfully submitted.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Paolina Massidda
Principal Counsel

Dated this 7th day of March 2022

At The Hague (The Netherlands)