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**International
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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

**Legal Representatives of Victims Joint Submissions
on the Sample Application Forms for reparations**

Source: Office of Public Counsel for Victims
Legal Representatives of Victims

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

The Office of the Prosecutor

Mr Karim A.A. Kahn KC
Mr Colin Black

Counsel for the Defence

Mr Charles Achaleke Taku
Ms Beth Lyons
Mr Thomas Obhof

Legal Representatives of the Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox

Common Legal Representatives for Victims

Ms Paolina Massidda
Mr Orchlon Narantsetseg
Ms Ludovica Vetrucchio

Trust Fund for Victims

Ms Franziska Eckelmans

States' Representatives

Registrar

Mr Osvaldo Zavala Giler

Victims Participation and Reparations Section

Mr Philipp Ambach

Victims and Witnesses Unit

I. INTRODUCTION

1. The Common Legal Representative of Victims (the “CLRV”) and the Legal Representatives of Victims (the “LRVs”, together as “Counsel”) file their joint observations on the selected dossiers of the victims participating in the reparations proceedings.

2. Counsel recall that, because of the events they suffered and taking into consideration the elapse of time, the victims are not in a position to provide supplementary documentation about their harm. Indeed, the displacement of local authorities during and after the events and the destruction of most of the documentation that could have been relied upon by the victims in the context of reparations proceedings is one of the direct consequences of the crimes of which Mr Ongwen is convicted. In the circumstances of the case, Counsel posit that the Trial Chamber ought to resort to presumptions as in previous cases adjudicated by the Court.

3. Counsel further recall that the standard of proof applicable at the reparations stage is the balance of probabilities as constantly applied in the practice of the Court. In this regard, the victims’ accounts as provided in their application forms are credible, coherent and consistent with the accounts of other victims who suffered from the same crimes in similar circumstances. Moreover, the record of the case and the findings of the Trial Chamber in its Judgement demonstrate that, on the balance of probabilities, all the victims included in the Sample Application Forms suffered from the crimes they described, also given the widespread and systematic nature of the crimes committed by the convicted person.

4. Therefore, Counsel conclude that all 205 victims constituting the Sample are eligible for reparations.

II. PROCEDURAL HISTORY

5. On 16 November 2022, Trial Chamber IX (the “Chamber”) informed the parties and participants of its intention to proceed in the present case in a similar fashion as in the *Ntaganda* case¹ and ordered the Registry (VPRS) to provide information regarding: (a) the total number of applications for participation and/or reparations received in the case; and (b) the total representation in terms of gender, age and the main groups of the victims of the case.² On 22 November 2022, the Registry submitted said information (the “Registry Additional Information”).³

6. On 16 December 2022, the Chamber issued its Decision on the Registry Additional Information: (i) determining to rule on a limited but representative sample of victims’ dossiers, amounting to 5% of the universe of participating victims; and (ii) instructing the Registry to randomly extract from the totality of the application forms 205 victims from four IDP camps and 31 victims from the thematic crimes (the “Sample Application Forms”) and transmit to the Chamber the list of the individuals selected and all their details compiled in the Registry’s database.⁴ The Chamber also invited the teams of Legal Representatives of Victims, the Defence, the Prosecution, the Registry and the Trust Fund for Victims (the “TFV”) to make submissions on the estimated total number of potential beneficiaries of reparations and on the transgenerational harm.⁵

7. On 9 January 2023, the Registry transmitted to the Chamber the list of individuals included in the Sample Application Forms.⁶

¹ See the “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’” (Trial Chamber II), [No. ICC-01/04-02/06-2786](#), 25 October 2022.

² See e-mail from Trial Chamber IX sent on 16 November 2022 at 15:01.

³ See the “Registry Additional Information on Victims”, [No. ICC-02/04-01/15-2019](#), 21 November 2022 (the “Registry Additional Information”).

⁴ See the “Decision on the Registry Additional Information on Victims” (Trial Chamber IX), [No. ICC-02/04-01/15-2024](#), 16 December 2022, p. 16.

⁵ *Ibid.*

⁶ See the “Registry Transmission of List of Individuals and Relevant Information for Reparations Sample”, [No. ICC-02/04-01/15-2026](#), 9 January 2023.

8. On 16 January 2023, the Chamber approved the Sample Application Forms and instructed, *inter alia*; (i) the teams of Legal Representatives of Victims to contact their clients and consult them as to whether they consent to their identities being disclosed to the Defence and inform the Defence and the VPRS about the victims' consent; and (ii) the VPRS to review the redactions to the victims' dossiers and transmit lesser redacted versions to the Defence (the "Order").⁷ Moreover, the Chamber instructed the teams of Legal Representatives of Victims to make submissions and complement the victims' dossiers, appending additional supporting documents, attesting, in particular, the extent of the harm suffered and the causal link between the alleged harm and the crime committed, within 30 days from the last transmission of the victims' dossiers to the Defence.⁸

9. On 27 January 2023, the VPRS transmitted to the CLRV and the LRVs the dossiers of their respective clients included in the Sample Application Forms, with proposed redactions for the relevant victims' dossiers.⁹

10. On 13 and 14 February 2023, the CLRV informed the VPRS that, apart from dual status individuals, the concerned victims do not consent to the disclosure of their identities.¹⁰ The CLRV also provided the VPRS with: (i) lesser redacted versions for 30 victims' dossiers; and (ii) the ERNs of the dossiers already in the possession of the Defence and approved the proposed redactions.¹¹ On 15 February 2023, the LRVs provided the VPRS with lesser redacted versions of the dossiers of 29 victims who had consented to the disclosure of their identities and further indicated that 34 victims had not consented to the disclosure while 22 victims could not be reached.¹² On 10 March 2023, the LRVs provided redacted versions of three dossiers,

⁷ See "Decision on the Registry Transmission of List of Individuals and Relevant Information for Reparations Sample", [No. ICC-02/04-01/15-2027](#), 16 January 2023, p. 12 (the "Order").

⁸ *Idem*, p. 13.

⁹ See e-mails from the VPRS to the CLRV and the LRVs sent on 27 January 2023 at, respectively, 15:47 and 16:59.

¹⁰ See e-mails from the CLRV to the VPRS sent on 13 February 2023 at 13:45 and 14 February 2023 at 11:57.

¹¹ *Ibid.*

¹² See e-mails from the LRVs to the VPRS sent on 15 February 2023 at 16:36, 17:20 and 17:51.

supplemented by documents relating to their resumption of action and informed the VPRS that: (i) two additional victims consented to the disclosure of their identities while four victims objected to the disclosure; and (ii) redactions shall be retained for the applications for which the LRVs did not receive explicit consent from the victims in question.¹³

11. On 17 February 2023, the CLRV, the LRVs, the Defence, and the TFV filed their respective submissions on the estimated total number of potential beneficiaries for reparations and on the issue of transgenerational harm.¹⁴

12. On 15 March 2023, the Registry transmitted to the Chamber: (i) a list containing the victims' reference numbers for which no additional redaction is lifted with their corresponding filing number and ERNs; and (ii) the lesser redacted versions of 63 victims' dossiers.¹⁵

13. On 22 March 2023, the Defence filed its response to the submissions by the teams of Legal Representatives of Victims and the TFV on beneficiaries and transgenerational harm.¹⁶

¹³ See e-mail from the LRVs to the VPRS sent on 10 March 2023 at 17:42.

¹⁴ See the "CLRV Submissions on transgenerational harm and estimated number of potential beneficiaries for reparations", [No. ICC-02/04-01/15-2031-Conf](#), 17 February 2023 (a public redacted version was notified on 20 February 2023, see [No. ICC-02/04-01/15-2031-Red](#)); the "TFVs' Submission pursuant to the 'Decision on the Registry Additional Information on Victims' of 16 December 2022, ICC-02/04-01/15-2024", [No. ICC-02/04-01/15-2032](#), 17 February 2023, the "Victims' Additional Submissions on the Issues Identified by the Trial Chamber Pursuant to the Forthcoming Order on Reparations", [No. ICC-02/04-01/15-2033](#), 17 February 2023; and the "Defence Additional Submissions on Beneficiaries and Transgenerational Harm", [No. ICC-02/04-01/15-2030](#), 17 February 2023.

¹⁵ See the "Transmission to the Defence of 63 Redacted Victim Dossiers pursuant to Trial Chamber IX Decision ICC-02/04-01/15-2027", [No. ICC-02/04-01/15-2034](#), 15 March 2023.

¹⁶ See the "Defence Response to the Additional Submissions on Beneficiaries and Transgenerational Harm", [No. ICC-02/04-01/15-2035](#), 22 March 2023.

14. On 29 March 2023, the Defence filed a request for an order to disclose the names of the victims included in the Sample Application Forms.¹⁷ On 11 April 2023, the teams of Legal Representatives of Victims filed their respective responses to said request.¹⁸

III. SUBMISSIONS

15. In accordance with the Chamber's Order, Counsel herewith provide their submissions on the dossiers of the victims included in the Sample Applications Forms.

a) The lack of and nature of supporting documentation

16. Counsel recall that the destruction of most of the documentation that could have been relied upon by the victims in the context of reparations proceedings is one of the direct consequences of the crimes of which Mr Ongwen is convicted.¹⁹ Counsel also recall that IDP camps were often far from the main cities or towns - as the Chamber will remember from the site visit – and, after the attacks, it was impossible for the victims to travel to obtain evidentiary documents.

17. In this regard, Trial Chamber VI in the *Ntaganda* case indicated that, where applicants lack direct proof, factual presumptions shall be relied upon in order to consider certain fact to be established to the requisite standard of proof.²⁰ Counsel argue that this reasoning should be equally applied in the present case. Considering the difficulties to obtain and produce evidence and the severe prejudice suffered by the victims as a result of the crimes committed, certain harms should be presumed, once an individual has proved to be a victim of the crimes on a balance of probabilities

¹⁷ See the "Defence Request for an Order to Disclose the Names of the Victim Sample Pool of Participating Victims", [No. ICC-02/04-01/15-2036-Conf](#), 29 March 2023.

¹⁸ See the "CLRV Response to the "Defence Request for an Order to Disclose the Names of the Victim Sample Pool of Participating Victims", [No. ICC-02/04-01/15-2037-Conf](#), 11 April 2023; and the "Victims' Response to the Defence Request for an Order to Disclose the Names of the Victim Sample Pool of Participating Victims", [No. ICC-02/04-01/15-2038-Conf](#), 11 April 2023.

¹⁹ See the "Common Legal Representative of Victims' Submissions on Reparations", [No. ICC-02/04-01/15-1923-Conf](#), 8 December 2021, paras. 55-59.

²⁰ See the "Reparations Order" (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021, para. 141 (the "*Ntaganda* Reparations Order").

standard.²¹ Even more so when one of the direct consequences of the crimes committed is the loss of significant documents, such as diplomas, identity cards and land ownership titles.²² In addition, the victims may often have difficulties obtaining or producing copies of official documents, to which the passing of time since the crimes were committed adds substantial complications.²³ In the current circumstances in Northern Uganda, obtaining (official or un-official) documentation is often simply unfeasible. In fact, the devastating outcome of the conflict and the ensuing large displacement of the population are such that the provision of document is not easily attainable. Thus, the victims are often prevented from obtaining identity documents or official documents related to the harms they have suffered.

18. Accordingly, the Chamber should deem adequate accepting official or unofficial identification documents or any other means establishing the victims' identities and any other elements of their claims as needed, such as credible witnesses statements, statements of local authorities, and/or use of factual presumptions when they lack direct proof.²⁴

19. Furthermore, with specific regard to sexual and gender-based crimes ("SGBC"), Counsel submit that the criteria and presumptions used in the *Ntaganda* case should also be adopted in the present case. In particular, evidentiary standards and procedures should be sensitive to the difficulties faced by the victims of this type of crimes in obtaining and producing evidence and documentation.²⁵ In fact, the victims cannot provide any proof of the crimes since, in most cases, they were unable to go to hospital or get treated by doctors or forensic professionals. Most victims of SGBC would have been abused outside the IDP camps but within LRA areas of control characterised by coercive environments consistent with the findings of the Chamber on the matter, thus rendering it almost impossible for them to access health facilities.

²¹ *Idem*, para. 143.

²² *Idem*, para. 138.

²³ *Idem*, para. 140.

²⁴ *Idem*, paras. 136-138 and 140.

²⁵ *Idem*, para. 67.

Also, the stigmatisation linked to SGBC prevented the victims from visiting hospitals or other health facilities where they could get medical records. Consequently, an intrinsically consistent, credible, and reliable account from a victim of SGBC may have sufficient probative value to satisfy the burden of proof, even in the absence of supporting documents.²⁶ This reasoning is in line with the existing special evidentiary regime in the legal texts of the Court in relation to acts of sexual violence,²⁷ reflecting principles recognized in international criminal law.²⁸

20. Considering the challenges discussed *supra*, Counsel posit that the identities of all the victims included in the Sample Application Forms are sufficiently established. In most cases, their national identity cards were attached to their original application forms and are already part of the respective dossier of each victim. A number of victims appended a declaration from a local authority attesting their identities.

²⁶ *Ibid.*

²⁷ The Elements of Crimes represent a long awaited evolution and provide important clarifications regarding the use of sexual violence in conflicts. Beyond the recognition of individual crimes as war crimes, crimes against humanity, and genocide, they recognise the gender-neutral definition of acts of sexual violence and remove any element regarding consent from the constitutive elements of the crimes and therefore from the evidence required. See the [Elements of Crimes](#), *inter alia*, for the crimes of rape and sexual violence. They further provide important clarification as to the use of the terms “invasion” and “forcibly”. See the [Elements of Crimes](#), footnote 5: “The term ‘forcibly’ is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment”; footnote 15: “The concept of ‘invasion’ is intended to be broad enough to be gender-neutral”; and article 7(1)(g)-1.2 regarding the crime against humanity of rape: “The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent”. Indeed, in accordance with rule 63(4) of the Rules, “[w]ithout prejudice to article 66, paragraph 3, a Chamber shall not impose a legal requirement that corroboration is required in order to prove any crime within the jurisdiction of the Court, in particular, crimes of sexual violence”. See also Rules 70, 71, and 86 of the [Rules](#) and the general principle regarding protection of the dignity and well-being of victims, guiding the Chambers and set in article 68 of the [Statute](#).

²⁸ See, *inter alia*, the [International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law](#), Second Edition, March 2017; the “[The Hague principles on Sexual Violence](#)”, 2019; and the Security Council Resolution Calling upon Belligerents Worldwide to Adopt Concrete Commitments on Ending Sexual Violence in Conflict, UN Doc. [S/RES/2467 \(2019\)](#), 21 April 2019.

21. While some victims were able to annex to their application forms some documents related to the harm they suffered, the vast majority of them were unable to provide any documentary proof of their harms while having the compelling and legitimate reasons for not doing so. For example, some victims were unable to obtain a death certificate of their relatives since such documents could not be issued during the conflict. In this regard, Counsel recall that the local administrative structures were destroyed or damaged during the LRA attacks to IDP camps. In particular, Local Council and Sub-County Chairpersons and their staff were displaced while local records were also destroyed and obliterated. In some instances, family members believe that their relatives are dead, but, since no information is available, the latter may still be considered as missing. Thus, some victims' relationship with their deceased family members is evidenced from the identification document attached to the application forms in where the names of the respective family members appear or by a declaration of a local authority.

22. Regarding the victims who had their property destroyed or pillaged or burned and/or were forced to flee the violence, Counsel submit that the majority of them did not have documentation regarding ownership of property at the time of the events since such documentation was not routinely issued in small villages or in the IDP camps. Moreover, few victims who did possess documentation regarding ownership of their property lost it during or after the conflict. Furthermore, those who fled their homes and took refuge in the bush for an extended period of time in order to avoid violence were forced to leave all their belongings behind. Upon their return, practically all victims found their houses destroyed and/or all their belongings pillaged or burned. Also, the vast majority of the victims in the IDP camps owned livestock, such as cattle, goats and chicken and household properties including furniture, beddings, cooking utensils, food items, farming tools, equipment and bicycles. An inventory of such belongings was not kept since there was no system in the camps to record such kind of properties.

23. After the conflict, hardly any recognition of harm suffered by the victims has been documented and formally acknowledged by national authorities. This means that the victims who have had their homes destroyed and their properties pillaged or burned were unable to have such crimes formally recognised. Accordingly, the victims can hardly produce any documentation to prove that they had lost their homes and all their belongings as a result of the crimes for which Mr Ongwen was convicted.

b) Age eligibility for former child soldiers and proof of the crime

24. Among the Sample Application Forms, while some of the former child soldiers were able to provide a specific date of birth, all of them have sufficiently demonstrated that they were under the age of 15 at the time of the commission of the crimes and thus, fall within the required age range. As it has been established in the *Lubanga* case,²⁹ it is in fact sufficient to take into account the personal circumstances of the victim and the specific facts of the case to determine that she or he meets the age requirement.

25. Moreover, all former child soldiers included in the Sample Application Forms have demonstrated that they were recruited and/or used to participate in hostilities. In this regard, Counsel recall that, as determined in the *Lubanga* case,³⁰ in order to meet the relevant standard of proof, a victim does not need to provide information on a set number of criteria. Rather, multiple factors can be taken into account, such as the ability of the victim to describe the training camp they went to, the battles they

²⁹ In the *Lubanga* case, Trial Chamber II reviewed a representative sample of 473 applications, thereby providing very detailed guidance on the application of the eligibility criteria (See the “Decision Setting the Size of the Reparations Award for which Thomas Lubanga is Liable” (Trial Chamber II), [No. ICC-01/04-01/06-3379-Conf-Corr-tENG](#) and [No. ICC-01/04-01/06-3379-Red-Corr-tENG](#), 21 December 2017, (the “*Lubanga* Decision on Eligibility”). Based on the review of these 473 applications, the TFCV put forward its understanding of the application of the eligibility criteria. See the confidential *ex parte* “[Annex E](#)” to the “*Sixième rapport sur le progrès de la mise en œuvre des réparations collectives conformément aux ordonnances de la Chambre de première instance II des 21 octobre 2016 (ICC-01/04-01/06-3251) et 6 avril 2017 (ICC-01/04-01/06-3289) et la Décision du 7 février 2019 (ICC-01/04-01/06-3440-Red)*”, [No. ICC-01/04-01/06-3467](#), 19 July 2019). The Trial Chamber acknowledged that this document reflects the methodology used by the Trial Chamber to verify the 473 applications of the sample. See the “Second Decision on the Administrative Decisions of the Trust Fund for Victims Regarding New Applications for Reparations” (Trial Chamber II), [No. ICC-01/04-01/06-3479-tENG](#), 11 September 2020, para. 14.

³⁰ See the *Lubanga* Decision on Eligibility, *supra* note 29, paras. 89-90.

participated in, the chores they performed, the names of certain commanders *etc.*³¹ These are not cumulative, and, as such, it is not required that victims are able to articulate all of these elements to be found eligible.³²

c) Deceased victims

26. Counsel inform the Chamber that some of the victims included in the Sample Application Forms are deceased as indicated in the table below. For some of them, resumptions of action have already been filed or will be filed.³³ For others, Counsel have contacted the family members of the deceased individuals and are in the process of collecting the necessary documentation for the resumption of action.

<i>Victims Represented by the CLRV</i>	<i>Victims Represented by the LRVs</i>
a/01608/16	a/00038/16
a/01952/16	a/00335/16
a/02008/16	a/00521/16 (the person who resumed action on her behalf is also recently deceased)
a/01456/16	a/00559/16
	a/00602/16
	a/05675/15
	a/01167/16
	a/00610/16
	a/00663/16

³¹ *Idem*, para. 64.

³² *Idem*, paras. 89-90.

³³ The CLRV will file three forms for resumption of action and related documents in a separate submission.

27. The fact that some victims included in the Sample Application Forms are now deceased should not preclude the Chamber from determining the eligibility of the concerned victims' dossiers. In fact, if an eligible victim dies before reparations are awarded, the victim's descendants or successors shall be entitled to receive them.³⁴

28. In the same vein, the Chamber should also not be precluded from determining the eligibility of certain victims that Counsel could not reach at this stage in order to adduce supporting documentation. In both instances, the Chamber is able to determine the eligibility of the concerned victims under the coherent and credible account criteria.

d) Victims who were minors at the time of the filing of the application form

29. Counsel inform the Chamber that some of the victims included in the Sample Application Forms were minors at the time of filing their application.³⁵ However, since they became adults, they have been participating in the proceedings on their own right. In this regard, Counsel note that some parents or guardians of said victims – who at the time of completing application forms did not submit an application on their own – may also qualify as victims for the purpose of reparations.³⁶

e) The eligibility assessment

30. Counsel submit that the abovementioned contextual circumstances should be accounted for in the eligibility assessment of the Sample Application Forms. They recall that the standard of proof applicable at the reparations stage is the balance of probabilities. This standard has been consistently applied in other cases before the

³⁴ See the *Ntaganda* Reparations Order, *supra* note 20, para. 40.

³⁵ For the CLRV, victim a/40007/14.

³⁶ See the "CLRV Submissions on transgenerational harm and estimated number of potential beneficiaries for reparations", *supra* note 14, para. 37.

Court³⁷ and recently upheld in the *Ntaganda* case.³⁸ Counsel further submit that the concerned victims' accounts as provided in their application forms are credible, coherent and consistent with the accounts of other victims who suffered from the same crimes in similar circumstances and with the findings of the Chamber on the liability of Mr Ongwen.

31. Counsel add that the Chamber's findings at trial — which were not overturned on appeal — demonstrate that, on the balance of probabilities, all the victims included in the Sample Application Forms suffered harm arising from the crimes for which Mr Ongwen was convicted. In particular, the Chamber found that *"throughout the period of the charges, in Northern Uganda, the LRA killed, injured and enslaved a large number of civilians in numerous attacks on individual civilians, IDP camps and other civilian locations. It also abducted and enslaved, and used as sexual slaves and so called 'wives' and as domestic servants a large number of civilians"*.³⁹

32. In evaluating the evidence in relation to the four attacks on the IDP camps, the Chamber concluded that the attackers murdered civilians, broke into houses, shops and took food and other properties and the looting was widespread.⁴⁰ Concerning the abductions of children under the age of 15 and their use in hostilities, the Chamber concluded that the evidence *"establishes that abductions of civilians for the purpose of increasing ranks was a long-standing policy of the LRA, including the Sinia brigade"*⁴¹ and that *"new recruits were often forced to kill and/or witness brutal killings"*.⁴² The Chamber

³⁷ See the "Corrected version of the "Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable" (Trial Chamber II), [No. ICC-01/04-01/06-3379-Red-Corr-tENG](#), 21 December 2017, para. 43 (which refers to the "Amended Order for Reparations" (Appeals Chamber), [No. ICC-01/04-01/06-3129-AnxA](#), 3 March 2015, paras. 22 and 65. See also, the "Order for Reparations pursuant to Article 75 of the Statute", [No. ICC-01/04-01/07-3728-tENG](#), 24 March 2017, paras. 49-51; the "Reparations Order", [No. ICC-01/12-01/15-236](#), 17 August 2017, para. 44; and the "Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled 'Order for Reparations pursuant to Article 75 of the Statute'" (Appeals Chamber), [No. ICC-01/04-01/07-3778-Red](#), 8 March 2018, para. 42.

³⁸ See *Ntaganda* Reparations Order, *supra* note 20, para. 136.

³⁹ See the Trial Judgment (Trial Chamber IX) [No. ICC-02/04-01/15-1762-Red](#), 4 February 2021, para. 143 (the "Judgment") (emphasis added).

⁴⁰ *Idem*, paras. 144-204.

⁴¹ *Idem*, para. 895.

⁴² *Idem*, para. 916. See also, para. 2310.

also considered that the fact that witnesses were still able to describe their experience in striking details is an indication *“of the significance of this traumatic experience”*.⁴³

33. Concerning SGBC, the Chamber emphasised the coordinated and methodical nature of the crimes.⁴⁴ The abductions, forced marriage, sexual violence and other forms of abuse of women and girls were systematic.⁴⁵ At any point in time, there were over one hundred abducted women and girls in Sinia brigade.⁴⁶ Mr Ongwen also subjected his so-called wives to sexual violence repeatedly and continuously over a long period of time.⁴⁷ The consequences for the victims were severe in terms of physical and mental suffering.⁴⁸

34. In light of the above, Counsel submit that all victims included in the Sample Application Forms are eligible for reparations. Should the Chamber consider that some victims have not yet established their eligibility to the required standard, Counsel recall that such victims must have the opportunity to complement and re-submit their applications to the TFV for evaluation of their eligibility.

FOR THE FOREGOING REASONS, Counsel respectfully request the Chamber to rule that all victims included in the Sample Application Forms are eligible for reparations.



Paolina Massidda



Joseph Manoba



Francisco Cox

Dated this 17th day of April 2023

At The Hague (The Netherlands), Kampala (Uganda) and Santiago (Chile)

⁴³ *Ibid.*

⁴⁴ *Idem*, paras. 2098-2113.

⁴⁵ *Idem*, paras. 205-221.

⁴⁶ *Idem*, para. 3070.

⁴⁷ *Idem*, para. 2041.

⁴⁸ *Idem*, para. 3073.