

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **6 October 2023**

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

**Public Redacted Version of “Defence Response to ICC-02/04-01/15-2054-Conf-Red”, filed
on 8 September 2023**

Source: Defence for Dominic Ongwen

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

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I. INTRODUCTION

1. The Defence for Dominic Ongwen (‘Defence’) hereby responds to the Legal Representatives for Victims (‘LRV’) request for support to victims.¹ The Defence asks Trial Chamber IX (‘Chamber’) to dismiss the LRV Request as it is premature considering that there has not been a decision on reparations from the Chamber.
2. Furthermore, for many of the victims where explanations are given about their problems, it appears that no causal link between the victim’s problems and the crimes for which Mr Ongwen was convicted exist. The Defence shall explain, in turn, with each victim.

II. CONFIDENTIALITY

3. Pursuant to Regulation 23 *bis*(2) of the Regulations of the Court, the Defence files its response as confidential. A public redacted version shall be filed after consultations with the LRV.

III. PROCEDURAL HISTORY

4. On 4 February 2021, the Chamber convicted Mr Ongwen of 61 counts of war crimes and crimes against humanity.²
5. On 6 May 2021, the Chamber issued its sentence to Mr Ongwen, sentencing him to a cumulative 25 years in prison.³ On that same day, the Chamber issued an order on reparations.⁴
6. On 15 December 2022, the Appeals Chamber upheld the convictions⁵ and sentence⁶ against Mr Ongwen.

¹ Trial Chamber IX, *Confidential Redacted Version of ‘Victims’ Request for Urgent Support to Victims presenting with Mental Health Challenges and Other Victims Requiring Urgent Medical Intervention, with Public Annex A and Confidential ex parte annex B available to the Chamber and Trust Fund for Victims Only*, ICC-02/04-01/15-2054-Conf-Red (hereinafter ‘LRA Request’) (public redacted version available [here](#)).

² Trial Chamber IX, *Trial Judgment*, [ICC-02/04-01/15-1762-Red](#).

³ Trial Chamber IX, *Sentence*, [ICC-02/04-01/15-1819-Red](#).

⁴ Trial Chamber IX, *Order for Submission on Reparations*, [ICC-02/04-01/15-1820](#).

⁵ Appeals Chamber, *Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 4 February 2021 entitled “Trial Judgment”*, [ICC-02/04-01/15-2022-Red](#).

⁶ Appeals Chamber, *Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 6 May 2021 entitled “Sentence”*, [ICC-02/04-01/15-2023](#).

7. On 16 December 2022, the Chamber requested further submissions on reparations, including submissions on a victim sample pool ('VSP') representing five percent of the participating victims in the case.⁷
8. On 16 January 2023, the Chamber issued its decision on the Registry's proposed VSP.⁸
9. On 17 February 2023, the Defence,⁹ CLRV,¹⁰ Trust Fund for Victims¹¹ and LRV¹² submitted additional observations on potential beneficiaries and transgenerational harm.
10. On 22 March 2023, the Defence submitted its response to the observations made by the CLRV, LRV and Trust Fund for Victims.¹³
11. On 28 August 2023, the LRV submitted the confidential redacted version of the LRV Request.¹⁴

IV. SUBMISSIONS

A. The LRV Request is premature without a reparations order.

12. The LRV Request asks the Chamber to make a preliminary reparations order before the official reparations order is issued. As the LRV notes, the situation in these proceedings is distinguishable from those in *Ntaganda*.¹⁵ In *Ntaganda*, an existing reparations order existed, even if it was being appealed and eventually reversed and remanded for further submissions and consideration by the chamber in those proceedings. With respect, the Chamber should not order an Intermediate Draft Implementation Plan ('IDIP').
13. By granting the LRV Request, the Chamber would be granting individualised reparations to specific victims. As the LRV noted, there are programmes available for these types of

⁷ Trial Chamber IX, *Decision on the Registry Additional Information on Victims*, [ICC-02/04-01/15-2024](#).

⁸ Trial Chamber IX, *Decision on the Registry Transmission of List of Individuals and Relevant Information for Reparations Sample*, [ICC-02/04-01/15-2027](#).

⁹ Trial Chamber IX, *Defence Additional Submissions on Beneficiaries and Transgenerational Harm*, [ICC-02/04-01/15-2030](#).

¹⁰ Trial Chamber IX, *CLRV Submission on transgenerational harm and estimated number of potential beneficiaries for reparations*, [ICC-02/04-01/15-2031](#).

¹¹ Trial Chamber IX, *Trust Fund for Victims' Submission pursuant to the "Decision on the Registry Additional Information on Victims" of 16 December 2022*, ICC-02/04-01/15-2024, [ICC-02/04-01/15-2032](#).

¹² Trial Chamber IX, *Victims' Additional Submission on the Issues Identified by the Trial Chamber Pursuant to the Forthcoming Order on Reparations, with Confidential ex parte annexes A, B, C and D available to the Registry and Chamber Only*, [ICC-02/04-01/15-2033](#).

¹³ Trial Chamber IX, *Defence Response to the Additional Submission on Beneficiaries and Transgenerational Harm*, [ICC-02/04-01/15-2035](#).

¹⁴ *Supra*, fn. 1.

¹⁵ LRV Request, para. 16.

problems.¹⁶ With respect, the only reasonable conclusion that the Chamber should make is to order the continuation of these programmes until such time that a reparations order is made.

14. Furthermore, the ICC cannot be seen as a saviour entity that will fix the problems of everyone. Many of the issues outlined in the LRV Request are not issues which should be handled by this Chamber in a reparations order. As explained below, many of the problems listed are personal problems unrelated to the crimes for which Mr Ongwen was convicted and are issues which should be dealt with by local government officials, not the Court. The Chamber must stand fast and require the victims to have the Government of Uganda take care of its citizens, not the ICC.
15. The Chamber should deny the LRV Request for an IDIP as it is premature, and, if the Chamber deems it appropriate, order the programmes currently winding down by the Trust Fund for Victims to continue until such time that a reparations order is made.

B. Individual comments on victims.

16. First, the Defence notes that it is troublesome that [REDACTED] about the 25 victims was general in nature and lacked the specificity expected of [REDACTED].¹⁷ Some of the victims listed in the LRV Request do not have information about their alleged problems other than the generalities used by [REDACTED].¹⁸ [REDACTED] offers little in terms of whether the mental health issues of the victims have a causal link with crimes for which Mr Ongwen was convicted. It is also unknown if [REDACTED] to the victim applications and prior statements to help determine the authenticity of their stories, even though from [REDACTED], it appears that he did not. As shown below, the Defence has found a plethora of problems with what victims said in 2015-16 and then again in 2023. This would have been helpful for [REDACTED].
17. The Defence notes that [REDACTED] the LRV diagnosed some of the persons with [REDACTED].¹⁹ These mental health problems stem from many different factors, including age, genetics and the environment. It is unreasonable to assume that because someone suffers from a mental health problem that it automatically stems from one of the crimes for which Mr

¹⁶ *Ibid*, paras 9-12 and 27-29.

¹⁷ LRV Request, Confidential Annex A.

¹⁸ Victims a/05446/15, a/00693/16, a/00313/16, a/01214/16, a/00279/16, a/00501/16, a/06779/15, a/06798/15, a/06623/15, a/00492/16, a/00630/16, a/00256/16, a/01299/16, a/05615/15, a/06702/15, a/00262/15 and a/00726/16.

¹⁹ LRV Request, para. 21.

Ongwen was convicted. As [REDACTED] noted, three of the four identified etiological factors were not directly related to the LRA and the war in northern Uganda.²⁰

18. Second, as explained in detail below, the Defence has serious concerns with the significant differences in many of the stories told by the victims to the LRV Team when compared to their victim applications. It is highly alarming, and the Chamber should use caution with all these victims.
 - a. a/00024/16²¹ – The Defence notes that the victim has passed away. While it is regretful, the LRV does not present a causal link between the victim’s alleged mental illness and the crimes for which Mr Ongwen was convicted.
 - b. a/00327/16 – The victim appears to have died from [REDACTED]. While regretful, his death was not related to crimes for which Mr Ongwen was convicted.
 - c. a/06758/15 – This victim is [REDACTED]. [REDACTED], the victim should seek medical attention from the Ugandan Government.
 - d. a/01038/16 – From the LRV’s brief description, it appears that the victim has [REDACTED].²² While regrettable, his mental problems do not appear to be a result of any of the crimes for which Mr Ongwen was convicted.
 - e. a/05421/15 – From the LRV’s description,²³ it appears that the victim has [REDACTED]. The Defence is pleased to know that she is receiving treatment [REDACTED]. As such, the Defence does not see a specific need for her to receive treatment through the TFV programmes.
 - f. a/06946/15 – The LRV Request does not show a causal link between the victim’s alleged [REDACTED] and the crimes for which Mr Ongwen was convicted.²⁴
 - g. a/00763/16 – It is not uncommon for a person [REDACTED].²⁵ The Defence does not see a causal link between [REDACTED] and the crimes for which Mr Ongwen was

²⁰ LRV Request, Confidential AnnexA, p. 3.

²¹ The Defence notes that the victim code was written incorrectly in the LRV Request and has written the correct victim code here (see paragraph 19(i) and compare with ICC-02/04-01/15-530-Conf-Anx24-Red).

²² [REDACTED].

²³ LRV Request, para. 19(v).

²⁴ LRV Request, para. 19(vi).

²⁵ LRV Request, para. 19(vii).

convicted. Having written that, the Defence is not against an order from the Chamber [REDACTED].

- h. a/00737/16 – The LRV failed to present a causal link to the victim’s alleged [REDACTED] and the crimes for which Mr Ongwen has been convicted.²⁶ For all the Defence knows, her alleged [REDACTED]. The victim’s [REDACTED]. With respect, this is an issue for the local police, not the ICC.
- i. a/06473/15 – From the LRV’s brief description of the victim,²⁷ it appears that the victim has [REDACTED]. While regrettable, his [REDACTED] do not appear to be a result of any of the crimes for which Mr Ongwen was convicted.
- j. a/06608/15 – The LRV failed to present a causal link to the victim’s alleged [REDACTED] and the crimes for which Mr Ongwen has been convicted.²⁸ Furthermore, there is nothing in the victim application of the victim to suggest [REDACTED] issues are related to Mr Ongwen’s convictions.²⁹
- k. a/00728/16 – [REDACTED], the LRV failed to show a causal link between the alleged mental health illness and crimes for which Mr Ongwen was convicted. [REDACTED].³⁰ [REDACTED].
- l. a/06996/15 [REDACTED] – The Defence has no doubt that this victim has a mental health problem, noting that the Defence raised this issue about this dual status person [REDACTED].³¹ This witness, during his testimony, exhibited serious problems with realising elapsed time during alleged moments of his life and connecting those moments with known time periods.³² [REDACTED].
- m. a/00619/16 – The person who the LRV claims to need [REDACTED] is not a registered participating victim.³³ While it is unfortunate what is happening to a/00619/16, the ICC cannot be used by persons to fix their family problems.

²⁶ LRV Request, para. 19(viii).

²⁷ LRV Request, para. 19(ix).

²⁸ LRV Request, para. 19(x).

²⁹ See ICC-02/04-01/15-365-Conf-Anx387-Red.

³⁰ LRV Request, para. 22 (*stating* “[REDACTED].”)

³¹ [REDACTED].

³² *Ibid.*

³³ LRV Request, para. 23(ii).

- n. a/06921/15 – Mr Ongwen was not convicted of female-to-female rape. Furthermore, the LRV fails to provide any evidence of how [REDACTED] and whether there is a real connection between his death and an attack for which Mr Ongwen was convicted.³⁴ With respect, [REDACTED]. [REDACTED].³⁵ While this person is a victim, the injury with which she has problems is not an injury caused by a crime for which Mr Ongwen was convicted.
- o. a/01344/16 – The LRV has failed to demonstrate how this person's problem with [REDACTED] are related to his abduction and short time in the LRA.³⁶ The Defence highlights with serious concern the sheer abundant number of victim applications it has read where someone alleges that they were hit, and it has caused serious problems with their ability to work. The human body is not built that way; it is resilient. If the human body was not so resilient, humankind would have ceased to exist tens of thousands of years ago. Without any contemporaneous medical evidence from the time of the alleged injury to his [REDACTED], the Defence cannot determine that his ailment was caused during his victimhood period.
- p. a/01289/16 – The victim claims that she was nursing [REDACTED] from a previous attack when she [REDACTED].³⁷ In the victim's application to the Court, she states that she was [REDACTED].³⁸ Her story today is starkly different today from the one in 2016. Without any contemporaneous evidence from around the time of the alleged crime to show that she aggravated the injury [REDACTED] during the Odek attack, it appears that the witness is trying to tie a previous injury to a crime for which Mr Ongwen was convicted. The Chamber must treat this victim's new story with caution and have the witness continue to use the Ugandan medical system for her treatment, not the ICC.
- q. a/06976/15 – The victim alleges that [REDACTED].³⁹ She also complains of [REDACTED].⁴⁰ Her stories are consistent⁴¹ and the Defence suggests that the Chamber

³⁴ LRV Request, para. 26(i).

³⁵ See ICC-02/04-01/15-365-Conf-Anx683-Red, p. 1, question 1.

³⁶ LRV Request, para. 26(ii).

³⁷ LRV Request, para. 26(iii).

³⁸ ICC-02/04-01/15-556-Conf-Anx354-Red, p.1, question 1.

³⁹ LRV Request, para. 26(iv).

⁴⁰ *Ibid.*

⁴¹ Compare LRV Request, para. 26(iv) with ICC-02/04-01/15-365-Conf-Anx737-Red, pp 1-2.

require medical documentation proximate to the time of her escape to facilitate any treatment that the TFV can offer.

- r. a/06922/15 – The witness alleges that she was [REDACTED].⁴² This information is completely absent from her victim application.⁴³ In fact, the victim did not mention [REDACTED], even though the violence she now describes in not a crime for which Mr Ongwen was convicted. While her statement in her victim application was short, she felt it befitting to write that [REDACTED].⁴⁴ With this type of detailed, one would reasonably expect her to mention [REDACTED]. Without any contemporaneous material to show that she actually received such injuries, the Defence urges the Chamber to use caution in believing this victim, because the Defence cannot.

- s. a/00061/16 – The victim alleges that she suffers chronic pain [REDACTED] and cannot perform physical tasks to support her livelihood. She now alleges that she fell and suffered an injury [REDACTED] during the day of the attack.⁴⁵ This is very different from her victim application, which states twice that she [REDACTED] while running from the rebels.⁴⁶ In her victim application, she stated that she could not perform intense physical activity, like digging, which is her source of income, because of the injury [REDACTED].⁴⁷ Finally, the Defence notes that the victim is [REDACTED] years old.⁴⁸ With respect, persons of that age generally have problems with sustained intense physical activities. The Defence urges the Chamber to use caution with this victim, noting that even if she was in normal health, someone of her age would not be able to have a sustainable source of income from intense physical activity.

- t. a/00062/16 – Firstly, the Defence notes that victim a/00062/16 is a male,⁴⁹ but the LRV Request uses the female pronoun “her”.⁵⁰ This calls into question whether the LRV used the correct victim code. Secondly, the victim gave a rather detailed account of the attack on Abok IDP Camp in his victim application,⁵¹ and nowhere did he mention that he

⁴² LRV Request, para. 26(v).

⁴³ See ICC-02/04-01/15-365-Conf-Anx684-Red.

⁴⁴ *Ibid*, p. 1, question 2.

⁴⁵ LRV Request, para. 26(vi).

⁴⁶ ICC-02/04-01/15-530-Conf-Anx61-Red, p. 1, question 1 and p. 2, question 2.

⁴⁷ *Ibid*.

⁴⁸ *Ibid*, p. 1 (noting that the victim’s birth year is [REDACTED]).

⁴⁹ ICC-02/04-01/15-530-Conf-Anx62-Red, p. 1. See also p. 2 on the Ugandan National ID Card.

⁵⁰ LRV Request, para. 26(vii).

⁵¹ ICC-02/04-01/15-530-Conf-Anx62-Red.

[REDACTED]. Such any injury cannot be inferred from what he wrote in his victim application, and the Defence urges the Chamber to use caution as nothing here makes complete sense.

- u. a/00508/16 – The victim alleges that he requires money to buy [REDACTED] he injured when he fell on the day of the attack on Abok.⁵² In the victim’s application, he stated that he injured his [REDACTED] when he fell.⁵³ The victim gave specific details about the injury and that it caused continuous problems.⁵⁴ All things considered, with the detailed information that the victim gave in his victim application, it is only logical that he would have mentioned a [REDACTED] injury that has caused him pain equally. Without any sort of medical documentation showing that his [REDACTED] was injured contemporaneous to the crimes for which Mr Ongwen was convicted, the Chamber should treat this person’s new story with suspicion. The Court cannot be made to pay for every ailment a victim has ever received.

- v. a/00054/16 – The victim requires 600,000 UGX [REDACTED] during the attack on Abok. The victim contends that he sustained a [REDACTED] injury while running away during the attack.⁵⁵ Again, like several persons before him, the victim did not mention being physically injured **at all** because of the attack on Abok, yet he wrote a few lines about his wife [REDACTED] that happened during the attack.⁵⁶ The person who filled out the victim application, *i.e.* a/00054/16, is not a person who was “rendered disabled” the day of the attack. With respect, it appears that this [REDACTED]-year-old person is trying to have the ICC pay for an ailment which is not related to a crime for which Mr Ongwen was convicted. The Chamber should treat this person’s new story with suspicion. The Court cannot be made to pay for every ailment a victim has ever received.

- w. a/00424/16 – The victim alleges an injury to his [REDACTED] which was caused by hitting his [REDACTED] in an awkward manner on the day of the Abok attack.⁵⁷ The victim admitted to [REDACTED] on the day of the attack in his victim application,⁵⁸ but said nothing related to his [REDACTED] or [REDACTED]. With respect, it appears that

⁵² LRV Request, para. 26(viii).

⁵³ ICC-02/04-01/15-544-Conf-Anx203-Red, p. 1, questions 1 and 2.

⁵⁴ *Ibid.*

⁵⁵ LRV Request, para. 26(ix).

⁵⁶ ICC-02/04-01/15-530-Conf-Anx54-Red, p. 1, questions 1 and 2.

⁵⁷ LRV Request, para. 26(x).

⁵⁸ ICC-02/04-01/15-544-Conf-Anx121-Red, p. 1, questions 1 and 2.

this [REDACTED]-year-old man⁵⁹ is trying to get the ICC to pay for his medical problems. The Chamber should treat this person's new story with suspicion. The Court cannot be made to pay for every ailment a victim has ever received, and there is no contemporaneous evidence to show that his [REDACTED] problems are a result of any injury which happened during the attack on Abok IDP Camp.

- x. a/00407/16 – The victim's story to the LRV is starkly different from the one she wrote in her victim application.⁶⁰ First, there is no mention of her [REDACTED] in the victim application. In fact, the victim wrote that she was in her hut alone when rebels woke her up [REDACTED].⁶¹ The Defence also questions whether the victim, who was [REDACTED] years old at the time, would have even had [REDACTED].⁶² There is no mention of her [REDACTED]. The Court cannot be made to pay for every ailment a victim has ever received, and there is no contemporaneous evidence around the time of the crimes to show that her alleged pains are a result of any injury which happened during the attack on Abok IDP Camp.
- y. a/00499/16 – [REDACTED] alleges that she sustained injuries to her [REDACTED] while running for safety during the attack.⁶³ She makes no mention of this injury in her victim application, even though she wrote details about other incidents which happened that day.⁶⁴ Considering that she states she had surgery because of this incident, the Chamber should use caution with this victim and require that documentation created proximate to the time of the Abok attack be submitted to show that she sustained this injury during the attack.
- z. a/00185/16 – The victim states that she [REDACTED] following the attack on Abok IDP Camp.⁶⁵ The Defence is hesitant and uncertain about this claim and urges the Chamber to require medical documentation from her treating physician to show a causal link between her treatment and crimes for which Mr Ongwen was convicted. The statement

⁵⁹ *Ibid*, pp 1 and 3.

⁶⁰ LRV Request, para. 26(xi).

⁶¹ ICC-02/04-01/15-544-Conf-Anx104-Red, p. 1.

⁶² *Ibid*.

⁶³ LRV Request, para. 26(xii).

⁶⁴ See ICC-02/04-01/15-2034-Conf-Exp-Anx46.

⁶⁵ LRV Request, para. 26(xiii).

in her victim application does not support this claim,⁶⁶ yet there is enough to warrant an inspection into this to see what her treating physician has determined.

- aa. a/00067/16 – The victim alleges that she [REDACTED] and was treated for the [REDACTED] at a hospital.⁶⁷ The victim also stated in her victim application that she was [REDACTED] while running to safety.⁶⁸ She did not mention any injury to her [REDACTED] that day in her victim application. As the victim was treated at the hospital, the Chamber should require medical documentation showing that she received treatment for the [REDACTED] proximate to the time of the Abok attack.
- bb. a/00123/16 - First, the Defence notes that victim a/00123/16 is a male,⁶⁹ but the LRV Request uses the female pronoun “she”.⁷⁰ This calls into question whether the LRV used the correct victim code. This suspicion is compounded by the fact that this victim code is written at paragraphs 26(xv) and 26(xviii). Second, the victim gave a rather detailed account of the attack on Abok IDP Camp.⁷¹ He even listed the exact number of goats and chickens he lost in the attack.⁷² Nowhere did he mention that he was [REDACTED]. In fact, he never mentioned encountering any rebel soldiers during the Abok attack in his victim application. The Defence urges the Chamber to use caution as nothing here makes sense. With respect, it appears that the victim is trying to get the ICC to pay for problems with have no causal link to crimes for which Mr Ongwen was convicted.
- cc. a/00083/16 – The victim’s ailments in the LRV Request⁷³ are consistent with her statement in her victim application.⁷⁴ Unfortunately, the victim’s ailment does not arise from a crime for which Mr Ongwen was convicted. The SGBV she encountered was 1) a random act of violence not common in the LRA and 2) not part of the common plan of abducting women for the purpose of enslaving them sexually or for labour.

⁶⁶ See ICC-02/04-01/15-530-Conf-Anx179-Red.

⁶⁷ LRV Request, para. 26(xiv).

⁶⁸ ICC-02/04-01/15-530-Conf-Anx67-Red, p. 1, question 1.

⁶⁹ ICC-02/04-01/15-530-Conf-Anx119-Red, p. 1. See also p. 3 on the Ugandan National ID Card.

⁷⁰ LRV Request, paras 26(xv) and 26(xviii).

⁷¹ ICC-02/04-01/15-530-Conf-Anx119-Red.

⁷² *Ibid*, p. 1, question 1.

⁷³ LRV Request, para. 26(xvi).

⁷⁴ ICC-02/04-01/15-530-Conf-Anx82-Red.

- dd. a/00202/16 – The victim alleges that she was “[REDACTED].”⁷⁵ This is highly inconsistent with her very detailed victim application.⁷⁶ In her victim application, the victim said, “[t]hey abducted many people from the camp. They didn’t abduct my children and I because my children were too young.”⁷⁷ Even if the victim was [REDACTED], which the Defence suspects is not true, the SGBV she encountered was 1) a random act of violence not common in the LRA and 2) not part of the common plan of abducting women for the purpose of enslaving them sexually or for labour. The Defence urges the Chamber to require contemporaneous documentation from around the time of the attack from the victim as her story now is vastly different from the detailed statement she gave in her victim application.
- ee. a/00221/16 – The victim states that he was [REDACTED].⁷⁸ In his victim application, the witness stated that his injuries came from [REDACTED], not from the LRA rebels.⁷⁹ This causes some concern that the victim is changing his story a little to “make it sound better” to the Chamber. The Defence urges the Chamber to require contemporaneous documentation from around the time of the attack showing that he received the injuries proximate to the time of the Abok attack.
- ff. a/00644/16 – First, the Defence notes that the LRV used masculine and feminine pronouns to describe the victim.⁸⁰ After reading the victim’s application, the Defence has determined that the victim number is correct and that the LRV made a typographical error in this paragraph. Considering the extent of the victim’s injuries, the Defence asks the Chamber to require medical documentation from the victim to prove that his injuries were sustained proximate to the Abok attack.
- gg. a/00319/16 – The victim’s story in the LRV Request⁸¹ is vastly different from his very detailed two and a half pages of his time in captivity written in his victim application.⁸² In his victim application, the victim said that [REDACTED].⁸³ The victim’s wife and children were not mentioned at all surrounding the attack on Abok, but he mentioned

⁷⁵ LRV Request, para. 26(xvii).

⁷⁶ ICC-02/04-01/15-530-Conf-Anx196-Red, pp 1-2, questions 1 and 2.

⁷⁷ *Ibid.*, p. 2, question 1.

⁷⁸ LRV Request, para. 26(xix).

⁷⁹ ICC-02/04-01/15-530-Conf-Anx215-Red, p. 1, question 1.

⁸⁰ LRV Request, para. 26(xx).

⁸¹ LRV Request, para. 26(xxi)

⁸² See ICC-02/04-01/15-544-Conf-Anx17-Red, pp 1-3.

⁸³ *Ibid*, pp 1-2, question 1.

[REDACTED], during and after the attack.⁸⁴ The Defence urges the Chamber to treat this victim with suspicion. His claims now do not remotely align with his highly detailed statement in his victim application, and it appears that he is trying to get compensation for something which does not have a causal link to the crimes for which Mr Ongwen was convicted.

- hh. a/05502/15 – The victim alleges that he fell while running for safety and injured his [REDACTED].⁸⁵ He is also complaining about [REDACTED].⁸⁶ First, the [REDACTED] does not appear to be linked at all to the attack on Lukodi IDP Camp. There are no claims as such, and it appears that he is merely trying to have the ICC pay his medical bills. Second, the victim makes no mention of being hurt at all in his victim application.⁸⁷ The victim listed the exact number of goats, chickens, sacks of beans, radio and homes that were either stolen or burnt in the attack,⁸⁸ but he somehow forgot to write about severe injuries to his [REDACTED]? The Defence finds this highly suspicious. The Defence urges the Chamber to request contemporaneous medical documentation from around the time of the attack for the injuries he allegedly suffered during the attack on Lukodi. This is necessary as it appears that while the victim was heartbroken about the loss of his property,⁸⁹ he did not feel it was necessary to write about debilitating injuries to himself in his victim application.
- ii. a/05814/15 – The victim's account of what happened to him on the night of the Lukodi attack is rather similar to his victim application.⁹⁰ The Defence's concerns stem from the fact that he states his (healed) leg fractures stops him from walking long distances and that he still has pain which he is nursing because of this.⁹¹ With respect, the Defence knows about severe leg injuries.⁹² The Defence urges the Chamber to use caution. As this victim admits that he had access to medical care, it should be easy for the victim to supply the Chamber with documentation from the medical care facilities showing that these injuries happened proximate to the time of the attack on Lukodi IDP Camp.

⁸⁴ See *ibid.*

⁸⁵ LRV Request, para. 26(xxii).

⁸⁶ *Ibid.*

⁸⁷ ICC-02/04-01/15-327-Conf-Anx193-Red, p.1.

⁸⁸ *Ibid.*, p. 1, question 1.

⁸⁹ *Ibid.*, p. 1, question 2.

⁹⁰ Compare LRV Request, para. 26(xxiii) with ICC-02/04-01/15-344-Conf-Anx255-Red, pp 1 and 4. [REDACTED].

⁹¹ LRV Request, para. 26(xxiii) with ICC-02/04-01/15-344-Conf-Anx255-Red, pp 1 and 4.

⁹² See UGA-D26-0015-0080.

- jj. a/06366/15 – The victim stated that he injured his [REDACTED] while running to safety during the Lukodi attack and hurt his [REDACTED].⁹³ There is no mention of this in his detailed victim application.⁹⁴ In fact, the victim did not run to safety. [REDACTED].⁹⁵ His story of his injury is rather different than his detailed account in his victim application. The Chamber should be suspicious of this victim. The Defence urges the Chamber to require the victim to submit medical documents which are contemporaneous to the attack at Lukodi IDP Camp to prove that his alleged injuries have a causal link to crimes for which Mr Ongwen was convicted.
- kk. a/05560/15 [REDACTED] – First, as before, the Defence notes that the LRV use the feminine “her” and “she”,⁹⁶ yet the victim is a male.⁹⁷ Second, the Defence notes that the Prosecution [REDACTED].⁹⁸ This is telling, especially noting UGA-OTP-0240-0166-R01 where the victim admitted to lying to the [REDACTED]. For the purpose of this response, the Defence humbly requests the Chamber to accept this document into evidence as it cast doubt on the victim’s reliability and veracity. The Defence urges the Chamber to require the victim to produce documents contemporaneous to his return from the bush to prove these injuries happened as a result of crimes for which Mr Ongwen was committed.
- ll. a/05475/15 – The victim’s account of what happened to him on the night of the Lukodi attack is rather similar to his victim application.⁹⁹ The Defence asks the Chamber to require the victim to submit medical documents which are contemporaneous to his escape from captivity to prove that his alleged injuries have a causal link to crimes for which Mr Ongwen was convicted.
- mm. a/05122/15 – The victim’s account of what happened to her on the night of the [REDACTED] attack is similar to her victim application.¹⁰⁰ The victim admits to being treated at the hospital [REDACTED],¹⁰¹ so the Defence urges the Chamber to require the

⁹³ LRV Request, para. 26(xxiv).

⁹⁴ ICC-02/04-01/15-365-Conf-Anx151-Red, pp 1-2.

⁹⁵ *Ibid*, p. 1, question 1.

⁹⁶ LRV Request, para. 26(xxv).

⁹⁷ UGA-OTP-0171-0064-R01. *See also* ICC-02/04-01/15-327-Conf-Anx232-Red2, pp 1 and 8.

⁹⁸ [REDACTED].

⁹⁹ Compare LRV Request, para. 26(xxvi) with ICC-02/04-01/15-327-Conf-Anx178-Red, pp 1-2.

¹⁰⁰ Compare LRV Request, para. 26(xxvii) with ICC-02/04-01/15-327-Conf-Anx9-Red, pp 1-2.

¹⁰¹ ICC-02/04-01/15-327-Conf-Anx9-Red, p. 2, question 1.

victim to submit medical documents which are contemporaneous to the [REDACTED] attack.

V. REQUEST RELIEF

19. For the abovementioned reasons, the Defence respectfully requests Trial Chamber IX to deny the LRV Request to order an IDIP.
20. If Trial Chamber IX deems it appropriate, it should order the continuation of the ongoing Trust Fund for Victims programmes.

Respectfully submitted,



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Chief Charles Achaleke Taku
On behalf of Dominic Ongwen

Dated this 6th day of October, 2023

At The Hague, Netherlands