

ANNEX H

Public

Statement of Ms Pamela Judith Angwech

Statement of PAMELA JUDITH ANGWECH

1. My name is Pamela Angwech, I am a grassroots activist and human rights defender in Northern Uganda. I have worked for many years on transitional justice and with women survivors of the LRA war through my organisation GWED-G, the Gulu Women's Economic Development & Globalization. I founded GWED-G in 2004, with the goal of assisting with the rehabilitation of victims of the conflict in Northern Uganda, including victims of conflict-related sexual and gender based violence, and those who suffered physical harm as a result of the war. GWED-G has helped over thousands of war victims through physical rehabilitation projects, including the provision of prosthesis and other support. I have received recognition for my work on human rights and gender justice for victims of the conflict, including the 2017 European Union Human Rights Defender Award.
2. My activism has extended to being a supporter of transitional justice processes in Northern Uganda, which I believe can address the widespread effects of violence and conflict. My work with the victim communities has led me to believe that Uganda needs to implement a comprehensive transitional justice system to ensure accountability, truth-telling, reparations and reconciliation. I have worked alongside other colleagues and activists to support the proposed Transitional Justice Bill, introduced in parliament in August 2024, which seeks to operationalise the National Transitional Justice Policy of 2019. A National Transitional Justice Law would establish much-needed mechanisms to address past conflicts and human rights violations, facilitate reconciliation, promote accountability, and provide reparations and rehabilitation for victims of past crimes and injustices.
3. In the context of this work, I have followed the International Criminal Court's interventions in Uganda for many years. GWED-G was among the organisations chosen by the ICC's Trust Fund for Victims (TFV) to deliver assistance to victims in Northern Uganda through its assistance mandate. Between 2015 and 2018, GWED-G received approximately 2 billion UGX (being around 540,000 USD) from the TFV, which facilitated over 1780 limb replacements for victims. Through this work, people who had lost limbs found hope and a way to move beyond their pain through the rehabilitation services which were provided. My organisation appreciated

this support from the TFV. However, GWED-G works across six districts and could have reached many more people. An overwhelming number of war-affected victims fell outside the ICC's reach, and even those who benefitted from the assistance mandate still require repeated surgeries, and repairs of their orthopedic shoes, for example.

4. The focus has now shifted away from the TFV's assistance mandate, to the reparations award in the case against Dominic Ongwen at the ICC which was handed down in February 2024. The reparations decision in the *Ongwen* case was timely and uplifting, and was an acknowledgement of the immense suffering of victims, warranting reparative support for the losses victims suffered. Although the reparations award was a drop in the bucket when compared with the scale and gravity of the crimes and the number of victims, the award was still important as being the first glimmer of hope that the long wait for justice and reparations for many victims in Northern Uganda was coming to an end. However, in April 2024, I wrote for *Opinio Juris*, cautioning that:

the entire process of reparations -from consultation to implementation- needs to be carefully managed, to avoid creating tensions between existing victim groups and communities. Sensitisation, outreach and continuous communication with victim groups and affected communities will be key, particularly through established intermediaries who are already working with these groups, to manage expectation and limit the spread of misinformation. At the same time, the government of Uganda has to move with speed to enact the Transitional Justice Law, together with a reparations policy framework, to ensure that all victims of the conflict are able to receive reparations in a timely manner.

5. It is disappointing that this process has not been carefully managed, and is now creating the tensions that we were hoping to avoid. There are a number of issues. Firstly, as everyone is aware the war affected hundreds of thousands of people, and only a tiny fraction of these victims were recognised as being victims in the *Ongwen* case. This is clear. The ICC outreach staff came and did widespread validation with civil society, with cultural leaders, and with religious leaders, about the collective reparations that are part of the award. The problem comes with the individual reparations, because there is no transparency about how the Victim Participation and Reparations Section (VPRS) determined who were the direct victims, and who were not. There was no direct contact between the VPRS and the affected community, no discussion at all with the constituency. ICC outreach staff simply came and said "this is what VPRS has determined", and explained to people who believed themselves to be victims of Dominic Ongwen's crimes

that they would be excluded. I have been to these meetings and seen people crying and extremely distressed, as lines are drawn between those who were abducted and those who were sexually abused in the same location - some get reparations and others do not. What is the difference between them? There is even talk of victims of a lawsuit against the ICC from victims in Eastern Uganda who say Dominic Ongwen reached their area, and they want to sue the ICC for excluding them. The day that people are formally registered by VPRS for reparations is the day our war begins again about why Person A was chosen over Person B. This is a ticking bomb. There is something divisive in our community about the fact that victims of Barlonyo can benefit from *Ongwen* reparations packages, but other victim communities are still sitting and waiting.

6. The second concern is that people are now budgeting differently because they think they will receive reparations from the ICC soon. I know of people who are living differently, and who are borrowing money on the basis that they will receive reparations from the ICC. If this money does not come, there will be another level of victimisation. Also, because these victims are vulnerable, they are being preyed upon, and we are getting reports of people who are going around and pretending to register beneficiaries for *Ongwen* reparations, promising victims that if they pay 20,000 UGX, for example, they will be registered with VPRS to receive reparations.
7. To complicate the situation, on 16 December 2024, the International Crimes Division (ICD) of the High Court of Uganda in Gulu issued the Reparations Order in the case against Thomas Kwoyelo, which provided for a higher amount of individual reparations than in *Ongwen*, about three times higher for direct victims of Kwoyelo's crimes. Direct victims of Kwoyelo's crimes must be paid up to 10 million UGX, which is around 2,500 euros, compared with the 750 euros individual payment for *Ongwen* victims. Because of this, *Ongwen* victims are now looking for ways to transfer across to be victims of Thomas Kwoyelo's crimes, rather than Dominic Ongwen's crimes.
8. Lastly, no payments have been made. The ICC TFV has a problem of resources. The time that has passed since the award in February 2024 until now, has been difficult for the victims, who

start to question whether the reparations will ever be paid because of the delayed funding, and question why they have been abandoned by the ICC.

9. There is a better way. The ICD Judges, who are Ugandan, did a very good job with their Reparations Order in the *Kwoyelo* case, which better reflects the Ugandan perspective. They ordered the Attorney General to establish an overall and comprehensive "Victims' Trust Fund" to provide reparations, compensation for harm suffered and assistance for rehabilitation and rebuilding for victims, with an annual budget. The *Kwoyelo* Reparations Order recognised that while this intrudes on the law-making function of the legislative branch of government, it urged the Ugandan Government to act to establish a comprehensive fund. This is something that civil society and the broader community have also been asking for.
10. A Victims' Trust Fund would allow the Ugandan Government to build a fund for rehabilitation and assistance, regardless of whether the victims were victims of Thomas Kwoyelo, or Dominic Ongwen, or anyone else. It would be inclusive, and would also promote long-term development and growth in Uganda, for Ugandans. Once other States knew that Ugandans had this fund - this basket of reparations for entire victim communities - they could contribute to that basket rather than the ICC TFV, and reparations could be distributed in a way that was inclusive and community-based and not divisive. In this way, reparations can contribute to nation building, and moves the concept of justice beyond simple legal redress. Instead, we can build a framework for long term peace and stability, through development and growth.
11. This is why we have the same concerns about the confirmation hearing in the *Kony* case. The response of victims to this proposed hearing must be understood in this context. The ICC needs to do its research. It seems that victims are supportive of the confirmation hearing because they want reparative support, a package and benefits from this process. The ICC going after Joseph Kony is important to people because they think reparations will come to them after he is prosecuted. It is not well understood here that the confirmation procedure will not lead to any reparations. If victim communities had been properly compensated and given sufficient reparations and support, then the support for Joseph Kony's prosecution by the ICC would reduce.

12. This is because in our culture, and in this environment, justice means more than a criminal process. There are certain things that are valued more than prosecutions. Our cultural and religious leaders can explain this. Justice is also about forgiveness, and peace. We want a kind of justice that makes everyone fulfilled, and makes everyone agree, and feel satisfied. This is when the war can really end. For now, the guns are silent, but this does not mean that we are done with our feelings, or that we have peace in our hearts. I have taken journalists to meet victims of LRA crimes, who have scars, who were sexually molested, who still have bullets inside them. If you ask them what they want, they say that they want to be able to put food on their table, and they want to be able to send their children to school and not be discriminated against. For them, this is justice. The only thing they need from Joseph Kony is an apology. All they want is for him to say sorry. If his prosecution by the ICC cannot put food on their table, they will not be interested. In our culture, an apology is central. When a perpetrator is unapologetic, they remain tied to the victims, who remain with their pain. They can only be relieved when the perpetrator says "I'm sorry". If the perpetrator does not apologise, the guilt remains with both parties, forever. The apology is linked to freedom.
13. It is also important to remember that looking backwards can cause much harm and pain for victims. Many victims do not want to be reminded of what they went through. Focusing on the past, and remembering bad things with no tangible support or meaningful redress does not make sense. The confirmation hearing in the *Kony* case will require victims to look backwards, but with no meaningful outcomes for them. This is not a reconciliation process, there will be no apology, there will be no fulfilment. We should work instead to give the entire community reparations, and support. We need a practical impact. Any legal redress must be accompanied by comprehensive reparative support, including reintegration, and access to livelihood options. The ICC confirmation process brings none of this, but will still require victims to look backwards, but with no reward or support. These discussions around the ICC are opening old wounds in our community. Will the confirmation process contribute to the overall goals of assistance, and reconciliation, and nation building? If not, then what are we doing? How will it help?

14. Worse than this, the confirmation process in the *Kony* case will again divide people. If I am a victim of Joseph Kony, I will realise that I will not receive reparations from the ICC like other victims. If I see victims of Dominic Ongwen or Thomas Kwoyelo getting reparations, I will feel discriminated against, and not supported. I will feel that my situation is worse than theirs, because I did not hear any apology from Joseph Kony himself, whereas Thomas Kwoyelo stood in the courtroom and apologised. I will not feel any redress, nobody will tell me what my future will look like, or what the future of my family will look like. So victims of Joseph Kony will be different, and will feel different. There is also a problem with it being done in his absence. Joseph Kony will not be there. There is no human aspect to this process, unlike in the other cases.
15. I am interested in justice for crimes committed by Joseph Kony. I just think the ICC needs to do more research on the implications. The ICC should listen more. Given how much time has passed, it seems that everyone has failed. And starting again now will risk destroying people again and causing harm. We need to ask "what is the possible outcome of this procedure" and then "how achievable are those outcomes without causing harm"? These are crimes against humanity, meaning the whole community has a voice in this, not just a small number of victims. If we want to go on a quest for justice, we have to really think about what justice means to the people who are affected, and how they can be protected along the way.



Signed:

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