

Annex A



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LETTER OF INSTRUCTION

Dr Eileen Vizard CBE MD FRCPsych
 UCL Great Ormond Street Institute of Child Health
 30 Guilford Street
 London
 WC1N 1EH

Dear Dr Vizard,

Date: 22 November 2016
Between: Child Soldiers International ('CSI')
And: Dr Eileen Vizard ('you')

This letter sets out the instructions from CSI to deliver expert opinion on the developmental psychological impact of the experience of maltreatment as a child, specifically in the context of forced military recruitment as a child.

Background

Dominic Ongwen, alleged former Brigade Commander of the Lord's Resistance Army (LRA), a Ugandan rebel group, is currently standing trial at the International Criminal Court (ICC). Mr Ongwen is charged with 70 counts of crimes against humanity and war crimes committed in northern Uganda in 2002-2005, including the conscription and use of children under the age of 15 to participate actively in hostilities. The trial will begin on 6 December 2016.

Dominic Ongwen was a child at the time he was abducted into the LRA and became a child soldier. His exact age at the time of the abduction is not known, but it seems he was in his early teens.

Based on previous notifications, we expect the Defence to argue that, as a former child soldier, Mr Ongwen went through experiences that destroyed his capacity to appreciate the nature and unlawfulness of his conduct, or his capacity to control his conduct to conform with the requirements of law. The resolution of this case at the ICC will therefore set an important legal precedent and have ramifications for former child soldiers, both as perpetrators and as victims, that extend beyond the Ongwen case.

For this reason, Child Soldiers International is partnering with members of Doughty Street Chambers (International) to submit an amicus brief to submit an amicus curiae brief to the court on the issue above. We propose to offer an independent and expert perspective, based on available research, on social determinants at the family and community level which impact children's mental health and development, and can influence their behaviour as adults.

In submitting an amicus, the organisation neither seeks the conviction nor acquittal of the accused. The intention is to convey information that may help safeguard the interests of child soldiers as victims, while simultaneously recognising that the

consequences of such victimhood continue into adulthood, and may be of relevance when considering the actions and behaviour of a former child soldier as an adult.

It is intended the amicus curiae brief will provide the ICC with assistance on how to approach this and other such cases in which adult defendants face charges for crimes arising after their indoctrination into an armed group as a child soldier.

At this stage, Child Soldiers International and members of Doughty Street have prepared a draft "request for leave" to submit a full amicus curiae brief, in accordance with ICC procedure.

Terms of Reference

As a mental health expert, CSI is requesting your assistance to compile and analyse relevant mental health and psycho-social (MHPSS) evidence on social determinants at the family and community level which impact children's mental health and development, and can influence their behaviour as adults, specifically in the context of forced military recruitment as a child. No analysis of the evidence particular to the case of Dominic Ongwen is required.

Should CSI be invited to submit an amicus curiae brief, your opinion will be incorporated into the ensuing brief.

Roles and responsibilities

CSI's Director of Programmes, Isabelle Guitard, holds responsibility for coordinating your contribution to the activities defined by this agreement.

CSI's Legal and Policy consultant, Tomaso Falchetta, will liaise with you on an ongoing basis to define the parameters of your analysis.

In the event that CSI is invited to submit an amicus curiae brief, members of Doughty Street Chambers will oversee the drafting of the brief, and manage the submission process.

Steven Powles will lead the coordination and submission on behalf of those at Doughty Street.

The amicus curiae brief will be co-authored by Steven Powles (Doughty Street Chambers), Jelia Sane (Doughty Street Chambers), Professor Kevin Heller (Professor of Criminal Law, SOAS University of London) and Professor Juan Méndez (Professor of Human Rights Law in Residence and Faculty advisor to the War Crimes Research Office, Washington College of Law).

Location

Work carried may be conducted in any location and will be submitted electronically.

On behalf of CSI

Carol Steel
Director of Operations

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