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Date: **11 September 2024**

PRE-TRIAL CHAMBER III

Before: Judge Althea Violet Alexis-Windsor, Presiding Judge
Judge Iulia Motoc
Judge Haykel Ben-Mahfoudh

SITUATION IN UGANDA

PUBLIC

**Thirty-Seventh Periodic Report of the Registry on Applications Received by the
Victims Participation and Reparations Section in the Situation in Uganda**

Source: Registry

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

Office of the Prosecutor

Karim A. A. Khan

Mame Mandiaye Niang

Leonie von Braun

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

Office of Public Counsel for Victims

Paolina Massidda

**Office of Public Counsel for the
Defence**

States Representatives

Trust Fund for Victims

Deborah Ruiz Verduzco

REGISTRY

Registrar

Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

**Public Information and Outreach
Section**

Fadi El Abdallah (acting)

I. Introduction

1. On 12 March 2012, the Single Judge of Pre-Trial Chamber II (in its previous composition)¹ ordered the Victims Participation and Reparations Section (“VPRS”), following the submission of a comprehensive report on the *status quo* of all victim applications for participation in proceedings received in the Situation in Uganda (“Situation”),² to submit every four months a periodic report on further applications received and the progress made by the VPRS on their assessment under rule 85 of the Rules of Procedure and Evidence (“Rules”).³ The Registry hereby submits its thirty-seventh periodic report in the Situation, covering the period from 11 May to 10 September 2024.

II. Applicable Law

2. The Registry submits the present report in accordance with article 68(1) and (3) of the Rome Statute, rules 16(1) and 89(1) of the Rules of Procedure and Evidence and regulation 86 of the Regulations of the Court.

III. Submissions

A. Status of applications for participation

3. To date, 5,607 application forms for participation and/or reparations have been received in the Uganda situation and the related cases.⁴

¹ For the current composition of Pre-Trial Chamber III, see Presidency, “Decision assigning judges to divisions and recomposing Chambers”, dated 12 March 2024 and notified on 13 March 2024, ICC-02/04-257 and Pre-Trial Chamber III, “Notification of the election of the Presiding Judge”, 14 March 2024, ICC-02/04-258.

² Registry, “Comprehensive report on the *status quo* of all applications received in the Situation in Uganda and on other aspects related to victims' applications for participation in the proceedings”, 11 May 2012, ICC-02/04-193.

³ Pre-Trial Chamber II, “Decision on Victim's Participation in Proceedings Related to the Situation in Uganda”, dated 9 March 2012 and notified on 12 March 2012, ICC-02/04-191, para. 31.

⁴ Since the last periodic report, the Registry has received 174 applications to participate in the *Kony* case. Out of these, 72 forms were also registered in the Ongwen case.

4. In the case of *The Prosecutor v. Dominic Ongwen* (“Ongwen case”), currently at the reparations stage before Trial Chamber IX, there are 4,096 participating victims.⁵ During the reporting period, the VPRS conducted *de novo* eligibility assessments for the participating victims of thematic crimes and shared the results with the legal representatives of victims.⁶ The Section is in the process of finalizing the vulnerability and dire needs assessment of the participating victims represented by OPCV based on information received from the latter.⁷ A similar assessment for the remaining participating victims will follow.
5. In the context of the proceedings in the case of *The Prosecutor v. Joseph Kony* (“Kony case”), the VPRS is in the process of reviewing all victim application forms for participation and/or reparations received in the Uganda situation to legally assess whether they fall within the scope of said case. The VPRS is also conducting legal processing of all victim application forms received from legal representatives of victims for the purpose of the confirmation hearing scheduled in the Suspect’s absence, should he not appear.⁸

B. Activities undertaken by the VPRS in the field during the reporting period (11 May – 10 September 2024)

6. Following the Reparations Order issued in the *Ongwen* case,⁹ the VPRS has advanced on its strategy and has continued activities in relation to the identification and eligibility assessment of potential beneficiaries of reparations. The VPRS has engaged with intermediaries, victims-led

⁵ Trial Chamber IX, “Decision on the Registry Additional Information on Victims”, 16 December 2022, ICC-02/04-01/15-2024, para. 18 and fn. 37.

⁶ Email from VPRS to OPCV of 16 July 2024 at 08h27 and email from VPRS to External LRVs of 16 July 2024 at 09h27.

⁷ Emails from the OPCV to the VPRS of 12 and 18 July 2024 at 18h47 and 08h56, respectively.

⁸ Pre-Trial Chamber II, “Second decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence” (“Second Decision”), 4 March 2024, ICC-02/04-01/05-481, paras. 12-13 and p.11. The Second Decision set the date of 15 October 2024 as starting date of the confirmation of charges hearing. However, observations and proposals concerning the date of the confirmation of charges hearing were submitted, at the invitation of the Chamber; see, *for example*, Office of the Prosecutor, “Prosecution’s observations on the date of the confirmation of charges hearing”, 6 September 2024, ICC-02/04-01/05-523.

⁹ Trial Chamber IX, “Reparations Order”, 28 February 2024, ICC-02/04-01/15-2074.

community-based organisations (“CBOs”) and other justice-based organisations to consolidate its network of partners who are instrumental during the identification of potential beneficiaries of reparations in the *Ongwen* case. Moreover, during the reporting period, the VPRS continued to share information and exchange ideas with the Trust Fund for Victims (“TFV”), the Public Information and Outreach Section (“PIOS”) and the two teams of legal representatives of victims in the case.¹⁰

7. Between 4 and 12 June 2024, the VPRS field team conducted consultations with victims, CBOs and intermediaries on legal representation of victims in the *Kony* case. Due to the limited time available to conduct the consultations, the VPRS primarily carried out its activities in Gulu, Lira, and Soroti, also bringing in survivors from different districts in the Acholi, Lango, Teso and West Nile sub-regions. A total of 103 victims of all types of crimes with which Mr Kony was charged¹¹ were consulted. To ensure a meaningful consultation process, the VPRS also consulted six representatives of CBOs, among which four are also victims of alleged crimes in the *Kony* case. Furthermore, the VPRS consulted a number of key intermediaries from Lukodi who have previously assisted in the *Ongwen* proceedings.¹²
8. On 7 and 8 August 2024, at the invitation of the TFV, the VPRS, together with PIOS, participated in a CBO consultation meeting organized by the TFV in the context of the *Ongwen* reparations proceedings. The VPRS gave a presentation about the categories of beneficiaries for reparations in the *Ongwen* case, with a focus on the Trial Chamber’s analysis of the applications in the victims’ sample established in the case. The VPRS notes that there were strong

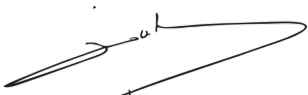
¹⁰ Office of Public Counsel for Victims (“OPCV”) and to Joseph Manoba and Francisco Cox (“External LRVs”), jointly referred to as LRVs.

¹¹ Victims of the attacks on Lwala Girls School and on the internally displaced camps (“IDP”) of Pajule and Lapul, Abia, Barlonyo, Odek, Pagak, Lukodi and Abok and thematic crimes victims, including children born in captivity, from Moyo, Adjumani, Gulu, Amuru, Lamwo, Nwoya, Agago, Kitgum, Pader, Otukey, Alebtong, Lira, Amuria, Soroti, Obalanga and Kapelebyong.

¹² Detailed information about the VPRS activities and methodology of consultations is included in Annex I of the “Registry Report on Legal Representation of Victims”, 28 June 2024, ICC-02/04-01/05-505-Anx1-Red.

reactions of frustration and disappointment at the fact that the scope of Mr Ongwen's conviction for sexual and gender based crimes ("SGBC") is limited to women and girls who were abducted and 'distributed' to members of the Sinia brigade and that, therefore, male victims and female victims who were not abducted and 'distributed' are not eligible for reparations. The VPRS is engaging with organisations working with SGBC victims in northern Uganda and elsewhere in order to explore collaborations that will allow these categories of victims, who will not be beneficiaries of reparations unless they suffered harm as a result of other crimes falling within the scope of Mr Ongwen's conviction, to benefit from services these organizations are offering.

9. During the reporting period, additional resources joined the VPRS team in the Kampala Country Office to support the activities in both *Ongwen* and *Kony* cases. Furthermore, preparations for procuring additional field support and equipment are underway.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 11 September 2024

At The Hague, The Netherlands