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**No. ICC-02/04-01/05
Date: 13 December 2024**

PRE-TRIAL CHAMBER III

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

**SITUATION IN THE REPUBLIC OF UGANDA
IN THE CASE OF
*THE PROSECUTOR v. JOSEPH KONY***

Public

Decision on victim participation, legal representation, and on the OPCV's Application for recognition of the status of victims in the *Kony* case to the victims participating in the *Ongwen* case

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

The Office of the Prosecutor

Mr Karim Khan
Mr Mame Mandiaye Niang
Ms Leonie von Braun

Counsel for Mr Kony

Mr Peter Haynes

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel
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**Victims Participation and
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Mr Philip Ambach

Other

Mr Joseph Akwenyu Manoba
Mr Francisco Cox
Mr Paul Bradfield

PRE-TRIAL CHAMBER III of the International Criminal Court (the ‘ICC’ or ‘Court’), issues this ‘Decision on victim participation, legal representation, and on the OPCV’s Application for recognition of the status of victims in the *Kony* case to the victims participating in the *Ongwen* case’ pursuant to articles 68(1) and (3) of the Rome Statute (the ‘Statute’), rules 89, 90 of the Rules of Procedure and Evidence (the ‘Rules’) and regulations 79(2), 80, and 81(4) of the Regulations of the Court (the ‘Regulations’).

I. PROCEDURAL HISTORY

1. On 8 July 2005, Pre-Trial Chamber II issued a warrant of arrest against Joseph Kony (‘Mr Kony’),¹ which was amended on 27 September 2005.²
2. Between 2007 and 2012, Counsel of the Office of Public Counsel for Victims (the ‘OPCV’) were appointed to represent the victims authorised to participate in the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen* (the ‘*Kony et al.* case’) and in the Situation in Uganda.³

¹ Warrant of Arrest for Joseph Kony, 8 July 2005, ICC-02/04-01/05-2-US-Exp, under seal and *ex parte*, only available to the Prosecution.

² Warrant of Arrest for Joseph Kony issued on 8 July 2005 as Amended on 27 September 2005, 27 September 2005, ICC-02/04-01/05-28-US-Exp, under seal and *ex parte*, only available to the Prosecution. See also Decision on the Prosecutor’s Application for Unsealing of the Warrants of Arrest, 13 October 2005, [ICC-02/04-01/05-52](#), public; Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005, 27 September 2005, [ICC-02/04-01/05-53](#), public redacted.

³ See Pre-Trial Chamber II, *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen*, [Decision on victims’ applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06](#), 10 August 2007, ICC-02/04-01/05-252, public; Pre-Trial Chamber II, *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen*, Decision on victims’ applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06, a/0082/06, a/0084/06 to a/0089/06, a/0091/06 to a/0097/06, a/0099/06, a/0100/06, a/0102/06 to a/0104/06, a/0111/06, a/0113/06 to a/0117/06, a/0120/06, a/0121/06 and a/0123/06 to a/0127/06, 14 March 2008, ICC-02/04-01/05-281-Conf-Exp, confidential and *ex parte*, only available to the Registry (a public redacted version was notified on 17 March 2008, [ICC-02/04-01/05-282](#)); Pre-Trial Chamber II, *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen*, [Decision on legal representation of Victims a/0090/06, a/0098/06, a/0101/06 a/0112/06, a/0118/06, a/0119/06 and a/0122/06](#), 15 February 2008, ICC-02/04-01/05-267, public, Pre-Trial Chamber II, *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen*, [Decision on legal representation of Victims a/0065/06, a/0066/06, a/0068/06, a/0088/06, a/0090/06 to a/0096/06, a/0098/06, a/0102/06, a/0103/06, a/0112/06, a/0115/06, a/0117/06, a/0118/06, a/0120/06 to a/0126/06, a/0076/07 to a/0078/07, a/0081/07, a/0082/07, a/0084/07, a/0085/07, a/0090/07 to a/0103/07, a/105/07 to a/0108/07, a/0112/07, a/0115/07, a/0117/07, a/0118/07 and a/0123/07](#), 9 February 2009, ICC-02/04-01/05-366, public. See also Pre-Trial Chamber II, *Situation in Uganda*, [Decision on Victim’s Participation in Proceedings Related to the Situation in Uganda](#), 12 March 2012, ICC-02/04-191, public (in which the OPCV was appointed to represent all victims and victim applicants pending the appointment of a common legal representative).

3. On 23 November 2023, Pre-Trial Chamber II issued the ‘Decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence’ (the ‘23 November 2023 Decision’).⁴
4. On 19 January 2024, the Prosecution submitted the ‘Document Containing the Charges’, pursuant to the 23 November 2023 Decision (the ‘DCC’).⁵
5. On 4 March 2024, Pre-Trial Chamber II issued the ‘Second Decision on the Prosecution’s request to hold a confirmation of charges hearing in the *Kony* case in the suspect’s absence’ in which it, *inter alia*, set the date for the confirmation of charges hearing to 15 October 2024.⁶
6. On 11 March 2024, the OPCV submitted the ‘Application for recognition of the status of victims in the case of *The Prosecutor v. Joseph Kony* to the victims participating in the case of *The Prosecutor v. Dominic Ongwen* and matters related to the participation of victims in the proceedings’ (the ‘OPCV Application’).⁷
7. On 2 May 2024, the Chamber issued the ‘Decision on the Procedure for Appointing Counsel’ for Mr Kony, thereby ordering, *inter alia*, counsel for Mr Kony, once appointed, to provide observations on the OPCV Application and any submissions related to victim participation that may be filed in the meantime (the ‘2 May 2024 Decision’).⁸
8. On 8 May 2024, the Registry submitted the ‘Registry submissions on matters related to the participation of victims’ (the ‘Registry Observations on Victim Participation’).⁹
9. On 21 June 2024, Mr Peter Haynes was appointed as Counsel for the defence of Mr Kony (the ‘Defence’).¹⁰

⁴ [ICC-02/04-01/05-466](#), public.

⁵ [ICC-02/04-01/05-474](#), public.

⁶ [ICC-02/04-01/05-481](#), public.

⁷ [ICC-02/04-01/05-483](#), public.

⁸ [ICC-02/04-01/05-499](#), public.

⁹ [ICC-02/04-01/05-500](#), public, with annexes I and II, public, and Annex III, confidential and *ex parte* only available to the Registry.

¹⁰ [Notification of the Appointment of Mr Peter Haynes KC as Counsel for Mr Joseph Kony](#), ICC-02/04-01/05-503, public, with annex II, confidential and annexes I, III and IV, public.

10. On 28 June 2024, the Registry submitted the ‘Registry Report on Legal Representation of Victims’ (the ‘Registry Report on Victim Representation’).¹¹

11. On 12 September 2024, the Chamber vacated the date of the confirmation of charges hearing and postponed the hearing until further notice.¹²

12. On 25 September 2024, following a decision extending the deadlines set in the 2 May 2024 Decision,¹³ the Defence submitted its observations on, *inter alia*, the OPCV Application (the ‘Defence Observations’).¹⁴

13. On 14 October 2024, the Registry submitted the ‘Registry Update Report on Legal Representation of Victims and Transmission of Group Application Form for Victims’ (the ‘Update to Registry Report on Victim Representation’).¹⁵

14. On 29 October 2024, Pre-Trial Chamber III issued the ‘Decision on the criteria for holding confirmation of charges proceedings *in absentia*’, thereby finding that all the requirements for a confirmation of charges hearing to be held in Mr Kony’s absence were met.¹⁶

15. On 12 December 2024, the Chamber decided that the confirmation of charges hearing shall commence on 9 September 2025,¹⁷ and ordered the Prosecution to submit a revised version of its DCC, and a related Pre-Confirmation Brief, no later than 17 April 2025.¹⁸

¹¹ [ICC-02/04-01/05-505](#), public, with annex 1, confidential and *ex parte*, only available to the Registry (a public redacted version was submitted on the same day, [ICC-02/04-01/05-505-Anx1-Red](#)) and annex 2 and 3, public redacted and public, respectively.

¹² [Decision Postponing the Confirmation of Charges Hearing](#), ICC-02/04-01/05-526, public.

¹³ [Decision on the ‘Defence Request for Variation of Deadlines and for a Status Conference](#), 5 July 2024, ICC-02/04-01/05-508, public.

¹⁴ [Kony Defence Response to “Victims’ Concerns on the Document Containing the Charges” and the Prosecution Response thereto, and to the Application for recognition of the status of victims in the Kony case](#), ICC-02/04-01/05-527, public.

¹⁵ [ICC-02/04-01/05-529](#), public, with annexes 1 and 2, confidential.

¹⁶ [ICC-02/04-01/05-532](#), public.

¹⁷ [Decision Setting the Date of the Confirmation of Charges Hearing and Related Time Limits](#), 12 December 2024, ICC-02/04-01/05-539, public, (‘Decision Setting the Confirmation of Charges Hearing Date’), para. 8.

¹⁸ [Decision on the Document Containing the Charges and the ‘Victims’ Concerns on the Document Containing the Charges](#), ICC-02/04-01/05-538, public, para. 29.

II. SUBMISSIONS

A. OPCV Application

16. The OPCV requests that victims who already participated in the case of *The Prosecutor v. Dominic Ongwen* (the ‘Ongwen case’) be granted the status of victims in the present case.¹⁹ The OPCV argues that the charges against Mr Kony as set forth in the DCC include the crimes for which Mr Ongwen was finally convicted, encompassing the temporal and geographical parameters of the charges related to the four attacks of internally displaced persons (the ‘IDP’) camps (Pajule, Odek, Lukodi and Abok), sexual and gender based crimes and child soldiers,²⁰ and that Pre-Trial Chamber II and Trial Chamber IX already assessed all the applications against these parameters in the *Ongwen* case.²¹

17. The OPCV further contends that this approach is consistent with the practice of the Court in the cases of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* and *The Prosecutor v. Abdallah Banda Abakaer Nourain*, as well as with the recommendation in the final Report of the Independent Expert Review of the International Criminal Court and the Rome Statute System.²²

18. The OPCV further avers that recognising the status of victims in the present case to the individuals admitted in the *Ongwen* case would promote the efficiency of the proceedings, advance their interests and preserve their wellbeing since it would: (i) make it unnecessary to require each victim to fill in a second application form, thus avoiding re-traumatisation; and (ii) avoid the burden for the Chamber and the Registry to reassess these applications. The OPCV states that consultations have shown that a significant number of victims participating in the *Ongwen* case expressed their interest to participate in the current proceedings and, thus, suggests adopting an approach whereby the consent of participating victims in the *Ongwen* case is presumed in the absence of a clear indication of their intention not to participate in the present case.²³

¹⁹ [OPCV Application](#), para. 1.

²⁰ [OPCV Application](#), paras 9-12.

²¹ [OPCV Application](#), para. 13.

²² [OPCV Application](#), paras 14-16, referring to [Independent Expert Review of the International Criminal Court and the Rome Statute System](#), Final Report, 30 September 2020, recommendation R338.

²³ [OPCV Application](#), paras 17-21.

19. On other related matters, the OPCV requests the Chamber to adopt the same application form designed for the *Ongwen* case and to adopt the ‘A-B-C Approach’ for the victim admission procedure.²⁴

20. The Defence submits, first, that the A-B-C approach should be applied to the applications of all victims interested in participating in the present proceedings in order to ensure that all the applications, including those submitted between 2006 and 2014, have been processed under the same procedure, that they remain valid and that the individuals concerned are still willing and able to participate in the proceedings.²⁵

21. The Defence further argues that it cannot be presumed that the victims participating in the *Ongwen* case are eligible and willing to participate in the *Kony* case since: (i) the passage of time since the start of the *Ongwen* case may affect the validity of the application;²⁶ (ii) proceeding in the absence of instructions from the victims ‘would ride roughshod over their agency as participants in this process’;²⁷ (iii) it is not unreasonable to expect that some victims who participated in the *Ongwen* case may be less enthusiastic about taking part in the present proceedings;²⁸ and (iv) the charges against Mr Kony do not encompass all of the same crimes for which Mr Ongwen was prosecuted, a reassessment being thus required to exclude the victims who were affected by crimes solely attributed to Mr Ongwen from the proceedings against Mr Kony.²⁹

B. Registry Observations on Victim Participation

22. Regarding the OPCV Application, the Registry submits that the 4096 victims participating in the *Ongwen* case are eligible to participate in the present confirmation proceedings considering the overlap of the crimes and events in the two cases.³⁰ However, the Registry also asserts that the consent of the victims should be obtained prior to the submission of their applications in the *Kony* case, and indicates that, as of

²⁴ [OPCV Application](#), paras 22-24.

²⁵ [Defence Observations](#), paras 35-38.

²⁶ [Defence Observations](#), paras 39-40.

²⁷ [Defence Observations](#), paras 41-42.

²⁸ [Defence Observations](#), paras 43-44.

²⁹ [Defence Observations](#), paras 45-48.

³⁰ [Registry Observations on Victim Participation](#), para. 12.

March 2024, 2038 participating victims had expressed their interest to participate in the present case.³¹

23. The Registry further submits that 103 of the 4096 victims participating in the *Ongwen* case are deceased and that their applications have been complemented with resumption of action requests by relevant family members who are also recognised as participants. The Registry, therefore, suggests recognising the deceased victims of the *Ongwen* case as victims in the present case by adopting this same approach.³²

24. In addition, the Registry supports the implementation of the A-B-C approach for the admission of participants as the most sensible and effective in the present proceedings considering the overlap between the *Ongwen* and the *Kony* case and the anticipated substantial number of applications in light of the large scope of the case.³³ Moreover, this approach would allow significant time and resources saving and ensure timely participation in the proceedings leading up to the confirmation of charges hearing.³⁴

25. Regarding the application forms, the Registry seeks the approval to use its current combined standard application for participation and reparations, for both individuals and organisations, instead of the form designed at the time for the *Ongwen* case.³⁵

26. On the means of identification of applicants, the Registry recalls that, as recognised by Trial Chamber IX in the *Ongwen* case, the victims still face challenges to this date in establishing their identity, and thus, recommends that the Chamber endorses the broad and flexible approach adopted in the Situation in Uganda and the *Ongwen* case, with respect to the documentary requirements for participation.³⁶ The Registry, therefore, requests that the Chamber accept the following documents as proof of identity for applicants and those acting on their behalf: (i) all types of identity documents accepted by Pre-Trial Chamber II in the Situation in Uganda; (ii) all types of identity documents accepted by Trial Chamber IX in the *Ongwen* case and a statement signed by two witnesses and accompanied by their proof of identity, attesting to the identity of the victim applicant/person acting on their behalf, in cases where

³¹ [Registry Observations on Victim Participation](#), para. 13.

³² [Registry Observations on Victim Participation](#), paras 14-15.

³³ [Registry Observations on Victim Participation](#), paras 16-18.

³⁴ [Registry Observations on Victim Participation](#), para. 19.

³⁵ [Registry Observations on Victim Participation](#), para. 20.

³⁶ [Registry Observations on Victim Participation](#), paras 21-23.

obtaining the specified documents is not feasible; and (iii) any other documents submitted by future applicants that share similar features with those already authorised in point (i) and (ii), based on assessments and recommendations provided by the Registry as appropriate.³⁷

C. Registry Report on Victim Representation

27. The Registry submits that it has held consultations with: (i) focus groups representative of the various victim groups and harm of the *Kony* case and composed of individuals who did not participate in the *Ongwen* case; (ii) community based organisations (the ‘CBOs’); (iii) intermediaries; and (iv) legal representatives of victims in the *Kony et al.* case, *Ongwen* case and situation in Uganda.³⁸

28. The Registry asserts that:

- a. the victims consulted see the present case as distinct from the *Ongwen* case and call for a new team of lawyers. Legal representatives should meet a number of specific requirements, such as: (i) knowledge of the conflict in Northern Uganda; (ii) a team of both national and international lawyers; (iii) wide experience in human rights and victims’ rights; and (iv) ability to communicate directly with the victims and to be near them and present. A formula commonly suggested was one single team of common legal representatives composed of a number of lawyers, both national and international, each of whom would address one specific sub-group of victims/harm. This team would preferably be composed of more female than male lawyers. All the victims indicated they were indigent and requested the Registry to assist them in choosing a lawyer.³⁹
- b. the CBOs emphasised the importance of unified legal representation and of bringing new counsel, and recommended that victims be grouped with individual legal representatives dedicated to their specific needs.⁴⁰

³⁷ [Registry Observations on Victim Participation](#), para. 24.

³⁸ [Annex 1 to Registry Report on Victim Representation](#), para. 2.

³⁹ [Annex 1 to Registry Report on Victim Representation](#), paras 12-17. See for submissions detailed per group of victims, [Annex 1 to Registry Report on Victim Representation](#), paras 18-51.

⁴⁰ [Annex 1 to Registry Report on Victim Representation](#), para. 52-55.

- c. the intermediaries from Lukodi provided positive feedback about the current Legal Representatives of the Victims in the *Ongwen* case, both teams being very active and particularly attentive to the needs of women. Intermediaries emphasised the need for children born in captivity to be separately represented in the present case as these children were left behind in the previous proceedings. They stressed that counsel's availability for the victims is key and recommended having one counsel responsible for all victims represented in the case as well as a broader network of counsel with specific expertise.⁴¹
- d. the legal representatives currently appointed to represent victims in the Uganda situation and the *Kony et al.* and *Ongwen* cases communicated their availability to represent victims in the present case.⁴²

29. Regarding the availability of legal aid, the Registry submits that all victims consulted indicated that they are unable to pay for their legal representation and that they have no knowledge of any existing structure offering legal or *pro bono* legal representation support to victims in Uganda.⁴³ The Registry, therefore, expects that participating victims will rely exclusively on the legal aid budget of the Court for their legal representation. For this purpose, the Registry has assessed the complexity of the victims' team at level 1 at the pre-trial stage, allowing for a team composed of a legal representative, a case manager, and a field assistant. Where counsel represents victims in another case before the Court, applicable fees in a second case would be at 50% of the disbursement applicable.⁴⁴

30. As regards potential conflicts of interest and potentially divergent interests of victims, the Registry notes that the charges include the conscription of children under the age of 15 years used to participate actively in the hostilities during some attacks relevant to other charges.⁴⁵ The Registry submits that, while two separate teams of legal representatives are usually recommended when this crime is included in the charges and the victims are not against this solution, the victims in this case do not perceive a need for separate legal representation and highlighted that segregating victims could

⁴¹ [Annex 1](#) to [Registry Report on Victim Representation](#), paras 56-57.

⁴² [Annex 1](#) to [Registry Report on Victim Representation](#), para. 58.

⁴³ [Annex 1](#) to [Registry Report on Victim Representation](#), para. 59.

⁴⁴ [Annex 1](#) to [Registry Report on Victim Representation](#), paras 60-67.

⁴⁵ [Annex 1](#) to [Registry Report on Victim Representation](#), para. 74.

have an adverse effect on reconciliation.⁴⁶ The Registry submits that it did not identify any potential conflicting or divergent interest between victims that would warrant separate teams of victims' legal representatives.⁴⁷

31. The Registry, therefore, recommends continuing the appointment of counsel already engaged in the *Ongwen* case since: (i) nothing suggests their unsuitability to represent the interests of new participating victims in the present case; and (ii) both counsel teams respond to a number of key demands of victims, such as being composed of a mix of national and international counsel, different gender, with familiarity with the situation and proficiency in ICC proceedings. In light of the request of victims to have dedicated counsel on specific types of harm/victimisation, the Registry states that it would simultaneously intensify its efforts to identify additional counsel on specific themes who could be incorporated into the appointed legal representation team.⁴⁸

D. Update to Registry Report on Victim Representation

32. The Registry indicates that it received an additional 162 victim applications for the present proceedings. These applications were submitted by: (i) victims of the attack on Lwala Girls School; (ii) victims of age and gender-based crimes only; and (iii) victims of the attack on Abia IDP camps as well as of age and gender-based crimes. According to the Registry, all of these applicants did not participate in the *Ongwen* case and designated Mr Paul Bradfield ('Mr Bradfield') as their legal representative.⁴⁹

33. Regarding the potential victim counsel, the Registry recalls that the external team of counsel in the *Ongwen* case has indicated their willingness to collaborate with other counsel and that 'OPCV Counsel have indicated that should the option of a single team of different counsel be considered by the Chamber, [they] will provide their position in due course.'⁵⁰ Furthermore, Mr Bradfield communicated his availability to represent victims in the case and his willingness to represents applicants and victims in collaboration with other counsel.⁵¹ In addition, he disclosed his prior role as a lawyer

⁴⁶ [Annex 1 to Registry Report on Victim Representation](#), paras 75-76.

⁴⁷ [Annex 1 to Registry Report on Victim Representation](#), para. 77.

⁴⁸ [Annex 1 to Registry Report on Victim Representation](#), paras 78-80.

⁴⁹ [Update to Registry Report on Victim Representation](#), paras 17-19.

⁵⁰ [Update to Registry Report on Victim Representation](#), paras 24-25.

⁵¹ [Update to Registry Report on Victim Representation](#), para. 20.

in the *Ongwen* Prosecution team from 2015 to 2018 but expressed that ‘his potential representation of victims in the Kony proceedings does not give rise to a conflict of interest [...]. Nonetheless [he] informed all of [his] potential clients [...] and they did not have any concerns about [his] prior role’. The Registry further asserts that ‘Mr Bradfield meets a number of qualities that victims consider essential.’⁵² The Registry further indicates that the 162 applicants are unable to pay to for their legal representation.⁵³

34. On the matter of the identification of victim counsel by theme, the Registry submits that it ‘has identified one lawyer who indicates in her CV to have key qualities that victims had indicated’.⁵⁴

35. Finally, the Registry submits for approval of the Chamber a victim household group application form that mirrors the standard individual application form for participation in the proceedings/reparation (the ‘Victim Household Group Application Form’). This form aims at facilitating the standardised gathering of information from all individuals within a group having allegedly suffered similar harm from the same event(s), thus optimising the use of Registry resources, particularly in light of the time constraints and limited human resources on the ground.⁵⁵

III. DETERMINATION

A. Principles and procedure governing victim participation

36. The Chamber has a duty to balance the right of the victims to participate in the proceedings with the need to ensure the expeditiousness of the proceedings. Based on the overlap of the allegations in this case with the *Ongwen* case, as well as the wide-ranging scope of the allegations included in the DCC, the Chamber notes that a large number of applicants is expected in the present proceedings, including potentially the 4096 victims participating in the *Ongwen* case.⁵⁶ Therefore, the Chamber considers that

⁵² [Update to Registry Report on Victim Representation](#), paras 26-29.

⁵³ [Update to Registry Report on Victim Representation](#), paras 30-31.

⁵⁴ [Update to Registry Report on Victim Representation](#), paras 21-23.

⁵⁵ [Update to Registry Report on Victim Representation](#), paras 32-33.

⁵⁶ See [Registry Observations on Victim Participation](#), para. 12.

it is appropriate that the procedure for the admission of victims to participate in the present proceedings is initiated at this stage.

37. The Chamber establishes the following principles and procedure applicable to victim participation in these proceedings. In doing so, and having regard to the circumstances of the case, the Chamber limits itself to setting out the general procedure which has been applied in other cases,⁵⁷ and which has been confirmed by the Appeals Chamber,⁵⁸ as also reflected in the Chambers Practice Manual.⁵⁹

1. Procedure for admission of victims to participate in the proceedings

38. The Chamber adopts the following procedure, in accordance with rule 89 of the Rules:

- (i) The Registry collects and receives the applications for participation by victims. This should be done using the standard form which has been developed based on practice and collects information for participation and reparations (for individuals and organizations, pursuant to Rule 85 of the Rules).
- (ii) With respect to participation, the Registry assesses all victim applications for participation collected or otherwise received, and identifies those applications which are complete and fall within the scope of the relevant case, i.e. in which the applicant alleges to have personally suffered harm, whether direct or indirect, as a result of one or more crimes which are referenced in the warrant of arrest or summons to appear (counts) or, subsequently, charged by the Prosecutor (as formulated in the document containing charges and, thereafter, as confirmed by the Pre-Trial Chamber).
- (iii) In consideration of victims applications a high degree of discretion is afforded to Chambers.
- (iv) In the exercise of such discretion and depending on the number of victims applications, Chambers may adopt the so called A-B-C Approach under which the Registry classifies the applicants into three categories: (i) applicants who clearly qualify as victims ('Group A'), (ii) applicants who clearly do not qualify as victims

⁵⁷ See for instance Pre-Trial Chamber II, *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, [Order on the conduct of the confirmation of charges proceedings](#), 27 June 2022, ICC-01/14-01/22-62, public, paras 40-41; Pre-Trial Chamber II, *The Prosecutor v. Mahamat Said Abdel Kani*, [Decision Establishing the Principles Applicable to Victims' Applications for Participation](#), 16 April 2021, ICC-01/14-01/21-56, public, paras 35-36.

⁵⁸ *The Prosecutor v. Mahamat Said Abdel Kani*, [Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II of 16 April 2021 entitled "Decision establishing the principles applicable to victims' applications for participation"](#), 14 September 2021, ICC-01/14-01/21-171, public (the 'Said Appeals Judgment'), paras 68-80.

⁵⁹ [Chambers Practice Manual](#), eighth edition, 2024, paras 96-97.

- (‘Group B’); and (iii) applicants for whom the Registry could not make a clear determination for any reason (‘Group C’).
- (v) The Registry then transmits to the Chamber on a rolling basis and in un-redacted form, by way of a filing in the record of the case, all complete applications on the basis of the A-B-C grouping, including any supporting documentation.
 - (vi) Only Group C applications, and any supporting documentation, are transmitted to the parties for observations pursuant to Rule 89(1) of the Rules, and legal representative as appropriate, with the necessary redactions to expunge the persons’ identifying information.
 - (vii) The Registry prepares reports that accompany each transmission, as provided for by Regulation 86(5) of the Regulations of the Court. These reports are notified to the Chamber, the parties and participants. These reports list the applications for participation and the group they are classified in. The reports need not include application-by-application reasoning or analysis and need not justify the respective classifications.
 - (viii) The Registry provides assessment reports for Group B applications to the Chamber alone. The reports contain the reasons for rejecting the applications, to allow the Chamber to make a final decision on such applications if necessary.
 - (ix) All applications falling within Group C that are transmitted to the Chamber are provided, together with the transmission report, to the parties and legal representative as appropriate, at the same time and by way of the same filing in the record of the case made for the transmission to the Chamber.
 - (x) Barring a clear, material error in the Registry’s assessment of Groups A and B, the Chamber, taking into account the Registry’s assessment of the Group A and B applications, will decide. While the Registry’s conclusions may be of assistance, it is for the Chamber to ultimately authorise or reject an applicant to participate in the proceedings.
 - (xi) Once the parties’ observations have been received, the Chamber assesses the Group C applications individually and determines whether the victims concerned shall be admitted to participate or not.

39. The Chamber recalls that it will hold the confirmation of charges hearing on 9 September 2025.⁶⁰ The Registry shall, therefore, transmit the Group A and B applications to the Chamber by no later than 18 July 2025, and the Group C applications to the Chamber and the parties by no later than 30 June 2025. The parties shall make observations, if any, on the Group C applications, by no later than 18 July 2025.

2. *Application forms for participation*

40. While the OPCV requests to use the same application form designed at the time for the *Ongwen* case,⁶¹ the Registry seeks the Chamber’s approval to use its current

⁶⁰ [Decision Setting the Confirmation of Charges Hearing Date](#), para. 8.

⁶¹ [OPCV Application](#), paras 22-23.

combined standard application form for participation and reparations for both individuals and organisations. Considering that the form for the *Ongwen* case was designed for proceedings that started more than a decade ago and does not reflect the current practice, the Chamber finds that the combined standard application and reparation form proposed by the Registry should be used in the present case.

41. Additionally, where deemed appropriate by the Registry, the Victim Group Application Form as provided in the Update Report on Victim Representation may be used in its stead,⁶² allowing and facilitating the standardised gathering of information about all individuals within a household. The Chamber emphasises that the Group Application Form is to be exclusively used by victim groups within the same household and where all members of the group have experienced similar crimes/harm. The use of the Victim Household Group Application Form shall not result in the duplication of applications.⁶³

3. *Documents as proof of identity*

42. The Chamber notes the recommendations of the Registry in respect of the documentary requirements for participation and, more specifically, that ‘victims still face challenges in establishing their identity’ considering that ‘[t]he services related to the delivery of official documentation in Uganda have been disrupted for many years’. Moreover, children born under the Lord’s Resistance Army’s captivity are facing complex challenges in relation to their identity.⁶⁴ In light of these considerations, the Chamber accepts the documents proposed by the Registry as proof of identity for applicants and those acting on their behalf,⁶⁵ namely: (i) all types of identity documents accepted by Pre-Trial Chamber II in the Situation in Uganda;⁶⁶ and (ii) all types of

⁶² See [Update to Registry Report on Victim Representation](#), paras 32-33.

⁶³ See Annex 2 to [Update to Registry Report on Victim Representation](#). A household refers to a family or group of people living together and/or building a social unit.

⁶⁴ [Registry Observations on Victim Participation](#), paras 22-23.

⁶⁵ [Registry Observations on Victim Participation](#), para. 24.

⁶⁶ (i) Passport; (ii) Voter card; (iii) Certificate of registration by the Electoral Commission; (iv) Driving permit; (v) Graduated tax ticket; (vi) ‘Short’ or ‘Long’ birth certificate; (vii) Birth notification card; (viii) Certificate of amnesty; (ix) Residence permit or card issued by a Local Council; (x) Identification letter issued by a Local Council; (xi) Letter issued by a leader of an IDP Camp; (xii) ‘Reunion letter’ issued by the Resident District Commissioner; (xiii) Identity card issued by a workplace or an educational establishment; (xiv) Letters issued by a rehabilitation centres; (xv) Camp registration card and card issued by humanitarian relief agencies, such as United Nations High Commissioner for Refugees and World Food Programme; (xvi) Baptismal card or certificate from religious institutions.

identity documents accepted by Trial Chamber IX in the *Ongwen* case.⁶⁷ Furthermore, in the event that applicants rely on documents other than these, the Chamber will decide whether to accept such documents on an *ad hoc* basis, upon receipt of the Registry's assessments and recommendations.

4. *Legal assessment of victim applications*

43. The Chamber notes that some victims were admitted and are participating in the present proceedings since the *Kony et al.* case, at a time when the scope of the case, which involved multiple persons, was wider than the scope of the current case against Mr Kony, as defined in the DCC.

44. In order to guarantee the fair treatment of all applicants, the Chamber finds it appropriate to order that all applications be assessed on the basis of the same criteria. In this regard, the Chamber recalls that it has ordered the Prosecution to submit a revised version of the DCC together with a Pre-Confirmation Brief. Consequently, the Chamber instructs the Registry to assess all victim applications, either newly submitted or integrated to the A-B-C admission procedure pursuant to the present decision, against the charges alleged in the revised DCC and the related Pre-Confirmation Brief.

B. Legal representation of victims

45. The Chamber recalls that, pursuant to article 68(3) of the Statute and rule 90 of the Rules, it must guarantee the victims' right to present their views and concerns in a manner which is not inconsistent with or prejudicial to the rights of the Defence and that such views and concerns may be presented by legal representatives.

46. The Chamber has taken note of the Registry's observations that the organisation 'commonly suggested was one single team of common legal representatives of victims, composed of a number of lawyers, each of whom could take care ideally of one specific sub-group of victims/harm'.⁶⁸ The Chamber further observes that the allegations in the DCC not only largely encompass most of the charges in the *Ongwen* case but extend to

⁶⁷ (i) National ID card; (ii) Voter location slip; (iii) a statement signed by two witnesses and accompanied by their proof of identity attesting to the identity of the victim applicant/person acting on his/her behalf.

⁶⁸ Annex 1 to [Registry Report on Victim Representation](#), para. 15.

additional crimes committed at different locations. Therefore, it is likely that a large number of the 4096 participating victims from the *Ongwen* case as well as other victims will apply to participate in the proceedings. Furthermore, the Chamber notes that it is expected that ‘participating victims in the Case will rely for the legal representation exclusively on the financial assistance that may be provided by the Court under its legal aid budget’.⁶⁹ In this respect, the Registry has provisionally assessed the victims team at complexity level 1 under the Court’s Legal Aid Policy at the pre-trial stage. The team would get the financial resources for one counsel, one case manager, and one field assistant, and ‘in the case of several [legal representatives] being appointed in one case’, these resources ‘would be shared among them’.⁷⁰

47. The Chamber considers that the common legal representation of victims strikes an appropriate balance between the resources available to the Court, on the one hand, and the duty to allow victims to participate meaningfully in the proceedings before the Chamber, on the other hand, hence ensuring the effectiveness of the proceedings.⁷¹

48. As to the organisation of the common legal representation, the Chamber notes that, in the present case, the DCC contains allegations of conscripting children and using them to participate actively in hostilities,⁷² as well as that some of these children may have been involved in the commission of crimes also charged in the DCC against other victims, especially in relation to the attacks against the IDP camps. As such, these persons may have divergent interests in the proceedings, which may warrant the appointment of separate legal representatives to represent their interests, as has been done in other cases.⁷³

⁶⁹ Annex 1 to [Registry Report on Victim Representation](#), para. 59; [Update to Registry Report on Victim Representation](#), paras 30-31.

⁷⁰ Annex 1 to [Registry Report on Victim Representation](#), paras 61-62, 66.

⁷¹ See for instance Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on the Legal Representation of Victims](#), 23 May 2019, ICC-01/14-01/18-205, public (‘*Yekatom and Ngaïssona* Victims Legal Representation Decision’) para. 13; Pre-Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Fifth Decision on Victims Issues Concerning Common Legal Representation of Victims](#), 16 December 2008, ICC-01/05-01/08-322, public, para. 7; Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, [Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings](#), 4 June 2012, ICC-02/11-01/11-138, public, paras 35-45.

⁷² [DCC](#), p. 31, counts 25, 26.

⁷³ See [Yekatom and Ngaïssona Victims Legal Representation Decision](#), para. 14; Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, [Decision concerning the organisation of common Legal representation of Victims](#), 2 December 2013, ICC-01/04-02/06-160, public, para. 23.

49. At the same time, the Chamber recalls the Registry's observations to the effect that the 'victims do not perceive a need for separate representation due to potential conflict of interest', that the CBOs representatives stressed that, while grouping is important, it is 'crucial that the individual counsel [...] function as a cohesive team towards a unified goal' and that victims of attacks have mentioned that 'working together for the common benefit of all victims is important since segregating victims could have an adverse effect on reconciliation'.⁷⁴ These factors led the Registry to indicate that it 'did not identify any (potential) conflict or divergent interest between victims that would warrant separate teams of victims' legal representatives'.⁷⁵ The Chamber further notes that, although similar crimes were charged in the *Ongwen* case, no separate legal representation was deemed necessary on the basis of conflicting or diverging interests.⁷⁶ Considering the foregoing, the Chamber finds that, in the present case, the interests of the child soldiers and other victims do not appear to diverge to such an extent or are so irreconcilable that grouping and separate legal representation is warranted at this stage.

50. The Chamber is nevertheless mindful that divergent views amongst the participating victims may emerge as the proceedings progress. Should the common legal representatives receive conflicting instructions from one or more groups of victims, they should endeavour to represent both positions fairly and equally before the Chamber, pursuant to their obligation under article 16(1) of the Code of Professional Conduct for Counsel. In case the conflicting instructions are irreconcilable with such common legal representation, and thus amount to a conflict of interest, the common legal representatives shall inform the Chamber immediately, so that it may take appropriate measures.⁷⁷

51. Accordingly, the Chamber finds that, at this stage, it is appropriate to appoint one team of common legal representatives, who shall represent all the victims.

⁷⁴ Annex 1 to [Registry Report on Victim Representation](#), para. 76.

⁷⁵ Annex 1 to [Registry Report on Victim Representation](#), para. 77.

⁷⁶ See, for instance, Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, [Decision on Requests Concerning Organisation of Victim Representation](#), 17 June 2016, ICC-02/04-01/15-476, para. 11.

⁷⁷ See Trial Chamber IV, *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, [Decision on common legal representation](#), 25 May 2012, ICC-02/05-03/09-337, public, para. 42.

52. Turning to the composition of the team of common legal representatives, the Chamber notes the willingness and availability of two legal teams appointed to represent victims in the *Ongwen* case – Mr Joseph Akwenyu Manoba (‘Mr Manoba’) and Mr Francisco Cox (‘Mr Cox’), as well as Ms Paolina Massidda (‘Ms Massidda’) of the OPCV (the ‘*Ongwen* LRVs’) – to continue representing their clients in the present case.⁷⁸

53. The victims consulted by the Registry for the purpose of the present proceedings, who have not participated in the *Ongwen* case, favour a newly constituted team of counsel (as opposed to those existing in the *Ongwen* case). While they did not provide any reference to a specific counsel, they indicated the key qualities expected from their lawyers.⁷⁹ In this respect, nothing indicates that the *Ongwen* LRVs are unsuitable to represent the new victims. To the contrary, because of the overlapping features of the cases, the *Ongwen* LRVs are familiar with the present case, have an established relationship with some of the victims, have knowledge of the history of the conflict and situation in the field in Uganda, and can already rely on field assistants working closely with the victims.⁸⁰ Additionally, appointing the *Ongwen* LRVs would ensure the continuity of the representation of victims having participated in the *Ongwen* case, should they be admitted to participate in the present proceedings.

54. The Chamber further observes that Ms Massidda and Ms Sarah Pellet (‘Ms Pellet’) of the OPCV have been jointly representing victims participating in the *Kony et al.* case since 2007, thereby gaining experience and knowledge of the facts relevant to the present case. In addition, the Chamber notes that the OPCV has had the opportunity to build an efficient team with presence in Uganda. More specifically, the OPCV: (i) is structured to grant effective and efficient legal representation and handle a potentially high number of participating victims; and (ii) has a Field Assistant based in Gulu close to where the victims reside, who speaks the local languages (Acholi and Lango).⁸¹ Moreover, the Chamber finds that the presence of female lawyers in the team of common legal representatives is crucial, especially in light of the sexual and gender based crimes charged in the DCC.⁸² Finally, the Chamber notes that, according to the

⁷⁸ See [Registry Report on Victim Representation](#), para. 78.

⁷⁹ See Annex 1 to [Registry Report on Victim Representation](#), para. 14.

⁸⁰ See [Annex 2](#) to [Registry Report on Victim Representation](#), p. 14.

⁸¹ See [Annex 2](#) to [Registry Report on Victim Representation](#), p. 11.

⁸² See Annex 1 to [Registry Report on Victim Representation](#), paras 34, 41, 49, 52.

OPCV, ‘no additional resources are needed for the [OPCV] to continue to carry out its legal representation in the Kony case’.⁸³

55. Therefore, the Chamber considers it appropriate to appoint the *Ongwen* LRVs, as well as Ms Pellet of the OPCV, to represent the victims in the present proceedings, considering that they collectively satisfy the key requirements expected by the potential victims, some of which would not be available in a completely newly constituted team.

56. Moreover, the Chamber is satisfied that Mr Bradfield, designated as legal representative by 162 applicants, should also be included in this team of common legal representatives. In reaching this conclusion, the Chamber notably took into account the following facts: (i) he was designated as legal representative by victims of the crimes allegedly committed at the Lwala Girl School, which was not charged in the *Ongwen* case; (ii) he has significant knowledge of the facts relevant to the case, in view of his involvement in the *Ongwen* Prosecution team between 2015 and 2018; (iii) he ‘possesses an important competence in the cultural and local context of this case’ as he has lived in Uganda and has done ‘extensive fieldwork and consultation with victim communities in northern Uganda’; and (iv) ‘[his] interaction and relationship with these communities is now over a decade long’ reinforcing his ability to communicate directly with victims.⁸⁴ On this basis, the Chamber is of the view that his inclusion in the team of common legal representatives, which would lead to a team composed of five legal representatives for the victims, is in the victims’ interests and does not create any conflict of interest with his previous position in the Prosecution team. It would also satisfy the call for new counsel emanating from some of the victims, without unduly impacting on the efficiency of the proceedings. In this respect, Mr Manoba, Mr Cox, and Mr Bradfield have indicated their willingness to collaborate with any other external counsel or team of counsel, whereas the OPCV stated that it has a proven record of availability and cooperation with external counsel in effectively representing victims.⁸⁵

57. Accordingly, the Chamber instructs the Registry to appoint Mr Manoba, Mr Cox, Mr Bradfield, as well as Ms Massidda and Ms Pellet of the OPCV, as a single team of common legal representatives of any admitted victims in the present case. It considers

⁸³ See Annex 1 to [Registry Report on Victim Representation](#), para. 68.

⁸⁴ See Annex 1 to [Update to Registry Report on Victim Representation](#), p. 6.

⁸⁵ See [Update to Registry Report on Victim Representation](#), paras 24, 25, 28. The Registry indicated that ‘should the option of a single team of different counsel be considered by the Chamber, Counsel [of the OPCV] will provide their position in due course.’

that it is not necessary or otherwise appropriate to appoint any additional legal representatives at this stage. The mandate of the legal representatives shall take effect upon the issuance of the decision on applications for victim participation. In the meantime, given the need to reassess the applications of victims participating since the *Kony et al.* stage as stated below,⁸⁶ the Chamber considers it necessary and appropriate to devise a temporary and provisional arrangement as envisaged under regulation 81(4) of the Regulations. Under this provisional arrangement, the OPCV shall be vested with the role of general support and assistance at this stage of the proceedings. Accordingly, the Chamber assigns the OPCV to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect.

58. Finally, the Chamber emphasises that it is the duty of the legal representatives to ensure that their internal organisation allows them to effectively represent the interests of any admitted victims pursuant to their obligations under the Code of Professional Conduct for Counsel. In this regard, the Chamber, noting the request of the victims and CBOs for legal representatives to be in charge of a specific sub-group of victims/harms,⁸⁷ calls upon the professionalism of the appointed legal representatives to internally organise themselves with a view to satisfying this request, without prejudice to their obligation to provide effective representation of the victims.

C. OPCV Application

59. At the outset, the Chamber observes that applications for victim participation are not case-specific and that, under rule 16(1)(c) of the Rules, it is for the Registry to link them to existing situations and cases before the Court.⁸⁸

60. Moreover, rule 89(4) of the Rules allows a chamber to consider the applications in such a manner as to ensure the effectiveness of the proceedings. A high degree of discretion is afforded to chambers in the consideration of victim applications and to

⁸⁶ See below, paras 66-67.

⁸⁷ See Annex 1 to [Registry Report on Victim Representation](#), paras 15, 53.

⁸⁸ Pre-Trial Chamber II, *The Prosecutor v. Jeoffroy Eli Mokom Gawaka*, [Corrected version of “Order in relation to the ‘Application for recognition of the status of victims in the case of The Prosecutor v. Maxime Jeoffrey \[sic\] Eli Mokom Gawaka to the victims participating in the case of The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona’”](#), 17 February 2023, ICC-01/14-01/22-163-Corr, public; Pre-Trial Chamber I, Single Judge, *The Prosecutor v. Charles Blé Goudé*, [Decision on victims’ participation in the pre-trial proceedings and related issues](#), 11 June 2014, ICC-02/11-02/11-83, public, para. 12.

organise the application and admission process in light of the circumstances of each case.⁸⁹ In addition, in view of other relevant statutory provisions addressing the need for expeditious proceedings before the Court, rule 89 of the Rules must be understood as affording chambers the discretion to resort to effective systems to process victim applications.⁹⁰ Nonetheless, the system should be construed so as to also give effect both to article 68(1) of the Statute – reflecting the duty to ensure the protection of victims – and article 68(3) of the Statute – requiring the Court to ensure meaningful victim participation in a manner which is not prejudicial to or inconsistent with the rights of the suspect and a fair and impartial trial.⁹¹

61. The Chamber notes that, in the present case, 4096 victims were admitted to participate during the trial phase of the *Ongwen* case, 2038 victims of whom have reportedly expressed their interest to participate in the present proceedings.⁹² The charges in the *Ongwen* case largely overlap with the allegations brought against Mr Kony in the 36 counts contained in the DCC. More specifically, the allegations against Mr Kony include similar crimes for which Mr Ongwen has been convicted, notably in relation to the attacks against the IDP camps in Pajule, Odek, Lukodi and Abok, as well as sexual and gender-based crimes and crimes relating to child soldiers. The Chamber, having also considered the Registry Observations on Victim Participation and the Defence Observations, is therefore of the view that there is a realistic likelihood that victims participating in the *Ongwen* case may have an interest in participating in the present case.

62. In this context, the Chamber, mindful of its duty to ensure the fair administration of justice and expeditiousness of the proceedings as well as its obligation to take appropriate measures to protect the psychological well-being of the victims in accordance with article 68(1) of the Statute, considers it appropriate to define the approach to be adopted for the admission of victims having participated in the *Ongwen* case to the present case. In this regard, the Chamber considers that requiring victims to submit new application forms for the present case may put an unnecessary burden on

⁸⁹ [Said Appeals Judgment](#), para. 63.

⁹⁰ [Said Appeals Judgment](#), para. 64.

⁹¹ [Said Appeals Judgment](#), para. 62.

⁹² See [Registry Observations on Victim Participation](#), para. 13.

the victims. Therefore, the Chamber authorises the transfer to the present case of the application forms of victims having participated in the *Ongwen* case.

63. On this point, the Chamber notes the OPCV's request that the consent of the victims having participated in the *Ongwen* case to participate in the *Kony* case should be presumed in the absence of a clear indication to the contrary. The Chamber finds that all victims from the *Ongwen* case must expressly consent to their participation in the present case as it cannot be presumed, without more, that a victim from one case necessarily wishes to participate in another, albeit related, case. Therefore, the Registry is instructed to enquire, either through their Legal Representatives or, where necessary, directly, whether eligible victims from the *Ongwen* case wish to participate in the *Kony* case and, if so, to proceed with the transfer of their applications.

64. Moreover, the Chamber considers that these applicants may not automatically be admitted to the present case. This is because the victims having participated in the *Ongwen* case were admitted pursuant to a different procedure, which took place more than a decade ago for some of them. Moreover, while the charges in the *Ongwen* case overlap to a large extent with those brought against Mr Kony, some charges levelled against Mr Ongwen exclusively concern the latter. It is, therefore, necessary to assess whether any of the participating victims in the *Ongwen* case require to be excluded from the *Kony* case. For these reasons, the Chamber finds that the applications from the *Ongwen* case that are to be transferred to this case shall be reassessed anew by integrating them into the A-B-C admission procedure adopted above. This procedure shall also encompass the applications of deceased victims which have been complemented by a request for resumption of action granted by Trial Chamber IX.

65. The Chamber is satisfied that integrating the aforementioned group of victims into the A-B-C procedure ensures the right of the victims to meaningfully participate at the earliest juncture possible while guaranteeing the suspect's right to a fair and expeditious trial. Accordingly, the OPCV Application is rejected.

D. Victims participating since the *Kony et al.* case and in the Situation in Uganda

66. The Chamber observes that a number of applicants are already participating in the present case after having been admitted in the *Kony et al.* case whereas other victims

have been admitted to participate in the Situation in Uganda between 2007 and 2012.⁹³

Regarding the latter victims, the Chamber notes the OPCV's assertion that it is

in possession of 1,176 applications forms completed between 2006 and 2014, and transmitted to the Office by the Registry throughout the years in accordance with the former Chamber's decision to appoint the OPCV as legal representative of applicants in the Situation in Uganda. Counsel have assessed said forms and estimate that at least 50% may qualify for the present case. However, for some applicants, additional information may be needed.⁹⁴

67. The Chamber, for the reasons developed in relation to the victims having participated in the *Ongwen* proceedings: (i) authorises the transfer of the applications of victims participating in the Situation in Uganda to the present case; (ii) instructs the Registry to enquire, either through their Legal Representatives or, where necessary, directly, whether eligible victims from the Situation in Uganda wish to participate in the *Kony* case, and, if so, to proceed with the transfer of their applications; and (iii) orders the Registry to process all of the applications transferred from the Situation and the applications admitted at the stage of the *Kony et al.* case in accordance with the A-B-C admission procedure in order to reassess them against the features of the present case.

⁹³ See above, para. 2.

⁹⁴ [OPCV Application](#), para. 25.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the Registry, parties and participants to comply with the instructions and directions regarding the principles and procedure governing victim participation as set out in this decision;

INSTRUCTS the Registry to appoint Mr Manoba, Mr Cox, Mr Bradfield as well as Ms Massidda and Ms Pellet of the OPCV as a single team of common legal representatives for any admitted victims; **DECIDES** that their mandate shall take effect upon the issuance of the decision on applications for victim participation; and in the meantime **ASSIGNS** the OPCV to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect;

REJECTS the OPCV Application;

ORDERS the Registry to integrate the relevant application forms of victims participating in the *Ongwen* case and the Situation in Uganda, as well as the applications admitted at the stage of *Kony et al.* case, into the A-B-C admission procedure in the present case;

INSTRUCTS the Registry to enquire, either through their Legal Representatives or, where necessary, directly, whether eligible victims from the *Ongwen* case and the Situation in Uganda, wish to participate in the *Kony* case;

INSTRUCTS the Registry to assess all the applications on the basis of the parameters as defined in the revised DCC and the related Pre-Confirmation Brief, once filed; and

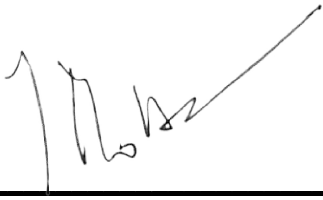
ORDERS the Registry to submit a public redacted version, or request for reclassification, of ICC-02/04-01/05-529-Conf-Anx1, by no later than 17 January 2025.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Althea Violet Alexis-Windsor

Presiding Judge



Judge Iulia Antoanella Motoc



Judge Haykel Ben Mahfoudh

Dated this Friday, 13 December 2024.

At The Hague, The Netherlands.