

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/05

Date: 7 May 2025

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
With Confidential Annex**

**First Registry Assessment Report on Group A Applications for Victim Participation
in Pre-Trial Proceedings**

Source: Registry

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☐ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☒ Other
V49

I. Introduction

1. On 13 December 2024, Pre-Trial Chamber III ("Chamber") issued a "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") in which it adopted the "A-B-C Approach" for the victim admission procedure in the case of *The Prosecutor v. Joseph Kony* ("Kony case" or "Case").¹ Specifically, the Chamber instructed the Registry is to:
 - i. Classify the applicants into three categories: (a) applicants who clearly qualify as victims ('Group A'); (b) applicants who clearly do not qualify as victims ('Group B'); and (c) applicants for whom the Registry could not make a clear determination for any reason ('Group C');² and
 - ii. Prepare reports that accompany each transmission, list the applications for participation and the group they are classified in.³
2. Following the aforementioned instructions, the Registry hereby transmits its first assessment report ("First Registry Assessment Report"), on 950 complete applications ("Applications") to participate in the *Kony* case, which includes a brief description of the assessment criteria applied in relation to the 950 applicants who clearly, in the Registry's assessment, qualify as victims falling within the scope of the Case (Group A).
3. The Applications are listed in the annex to the present report ("Annex").

II. Procedural History

¹ Pre-Trial Chamber III, "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", 13 December 2024, ICC-02/04-01/05-540, para. 38(iv).

² *Id.*

³ Decision., para. 38(vii). The Chamber specified that the reports need not include application-by-application reasoning or analysis and need not justify the respective classifications.

4. On 8 July 2005, Pre-Trial Chamber II, in its previous composition, issued a warrant of arrest against Mr Kony.⁴ The arrest warrant was amended on 27 September 2005 and unsealed in October 2005, with the issuance of a public redacted version.⁵
5. Between 22 August 2006 and 15 February 2013, 128 applications for participation were transmitted in the Case.⁶

⁴ Pre-Trial Chamber II, "Warrant of Arrest for Joseph Kony", 8 July 2005, ICC-02/04-01/05-2-US-Exp.

⁵ Pre-Trial Chamber II, public redacted version of "Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005", dated 27 September 2005 and registered on 13 October 2005, ICC-02/04-01/05-53. A lesser redacted version was notified on 10 March 2023, ICC-02/04-01/05-456.

⁶ For the transmissions of the original versions of victim applications submitted to the Chamber *see*: Registry, "Application for participation in proceedings number a/0010/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-98-Conf-Exp; "Application for participation in proceedings number a/0064/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-99-Conf-Exp; "Application for participation in proceedings number a/0065/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-100-Conf-Exp; "Application for participation in proceedings number a/0066/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-101-Conf-Exp; "Application for participation in proceedings number a/0067/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-102-Conf-Exp; "Application for participation in proceedings number a/0068/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-103-Conf-Exp; "Application for participation in proceedings number a/0069/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-104-Conf-Exp; "Application for participation in proceedings number a/0070/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-105-Conf-Exp; "Report to Pre-Trial Chamber II on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Court", 26 October 2006, ICC-02/04-01/05-123; "Report to Pre-Trial Chamber II on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Court", dated 16 November 2006 and registered on 17 November 2006, ICC-02/04-01/05-128; "Report to Pre-Trial Chamber II on applications a/0014/07 to a/0020/07 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86 paragraph 5 of the Regulations of the Court", dated 11 April 2007 and registered on 13 April 2007, ICC-02/04-01/05-241; "Transmission of consolidated applications including supplementary information", 29 February 2012, ICC-02/04-01/05-411; "Transmission of consolidated applications including supplementary information", 29 June 2012, ICC-02/04-01/05-412; and "Transmission of consolidated applications including supplementary information", 15 February 2013, ICC-02/04-01/05-413. Additionally, 22 applications were transmitted only in the Situation in the Republic of Uganda, although they were also considered by Pre-Trial Chamber II for the purpose of the *Kony* case as if they had been filed as well in the Case (See Registry, "Report to Pre-Trial Chamber II on applications a/0192/07 to a/0239/07 and a/0324/07 to a/0326/07 in accordance with Rule 89 paragraph 1 of the Rules of Procedures and Evidence, and Regulation 86 paragraph 5 of the Regulations of the Court", 30 May 2008, ICC-02/04-138-Conf-Exp; and "Second Report to Pre Trial Chamber II on applications a/0192/07 to a/0239/07 and a/0324/07 to a/0326/07 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence and Regulation 86 paragraph 5 of the Regulations of the Court", dated 30 September 2008 and registered on 1 October 2008, ICC-02/04-157-Conf-Exp. The transmissions of redacted versions of applications are not listed.

6. Between 10 August 2007 and 10 March 2009, Pre-Trial Chamber II issued four decisions on the merits of these 128 applications:⁷ 41 applicants were accepted and are presently represented by the Office of the Public Counsel for Victims (“OPCV”),⁸ 16 were rejected, 41 were deferred, and 30 have not yet been decided upon.
7. On 23 November 2023, following a Prosecution request to hold a hearing on the confirmation of charges against Mr Kony in his absence,⁹ Pre-Trial Chamber II found that there is cause to hold such a hearing¹⁰ and scheduled it to be held on 15 October 2024.¹¹
8. On 19 January 2024, the Prosecution filed the “Document Containing the Charges”.¹²
9. On 12 March 2024, the Presidency of the Court referred the Case to the Chamber and recomposed the latter.¹³

⁷ Pre-Trial Chamber II, “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”, dated 10 August 2007 and registered on 13 August 2007, ICC-02/04-01/05-252; “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”, dated 14 March 2008 and registered 17 March 2008, ICC-02/04-01/05-282; “Decision on victims’ applications for participation a/0014/07 to a/0020/07 and a/0076/07 to a/0125/07”, 21 November 2008, ICC-02/04-01/05-356; and “Decision on victims’ applications for participation a/0192/07 to a/0194/07, a/0196/07, a/0200/07, a/0204/07, a/0206/07, a/0209/07, a/0212/07, a/0216/07, a/0217/07, a/0219/07 to a/0221/07, a/02228/07 to a/0230/07, a/0234/07, a/0235/07, a/0237/07, a/0324/07 and a/0326/07 under rule 89”, 10 March 2009, ICC-02/04-01/05-375.

⁸ Pre-Trial Chamber II, “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; and “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. The victims are represented by either Ms Pellet – OPCV or Ms Massidda – OPCV.

⁹ Prosecution, Public Redacted Version of the “Prosecution’s Request to Hold a Hearing on the Confirmation of Charges against Joseph Kony in his Absence”, 24 November 2022, ICC-02/04-01/05-446-Red.

¹⁰ Pre-trial Chamber II, “Decision on the Prosecution’s request to hold a confirmation of charges hearing in the *Kony* case in the suspect’s absence”, 23 November 2023, ICC-02/04-01/05-466.

¹¹ 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”, 4 March 2024, ICC-02/04-01/05-481.

¹² Prosecution, “Document Containing the Charges”, 19 January 2024, ICC-02/04-01/05-474.

¹³ Presidency, “Decision assigning judges to divisions and recomposing Chambers”, 12 March 2024, ICC-02/04-01/05-485; and “Decision on the designation of a Single Judge”, 15 March 2024, ICC-02/04-01/05-487.

10. On 29 October 2024, the Chamber issued a decision concluding that all requirements were met to hold the confirmation of charges hearing *in absentia*.¹⁴
11. On 12 December 2024, the Chamber scheduled the confirmation of charges hearing to commence on 9 September 2025, in the absence of the suspect, and ordered, *inter alia*, the Prosecution to submit a revised version of the document containing the charges.¹⁵
12. On 13 December 2024, in the Decision, the Chamber outlined the principles and the procedure for victim participation.¹⁶ Additionally, the Chamber instructed 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, and assigned the OPCV to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect.
13. On 17 April 2025, the Prosecution submitted the amended document containing the charges ("Amended DCC").¹⁷

III. Classification

14. The Annex is classified as confidential, in accordance with the Decision.¹⁸

IV. Applicable Law

15. The present report is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

¹⁴ Pre-Trial Chamber III, "Decision on the criteria for holding confirmation of charges proceedings in absentia", 29 October 2024, ICC-02/04-01/05-532.

¹⁵ Pre-Trial Chamber III, "Decision Setting the Date of the Confirmation of Charges Hearing and Related Time Limits", 12 December 2024, ICC-02/04-01/05-539.

¹⁶ See fn.1, *supra*.

¹⁷ Prosecution, "Amended Document Containing the Charges", 17 April 2025, ICC-02/04-01/05-591.

¹⁸ Decision, para. 38(vii).

V. Submissions

16. As of 5 May 2025, the Registry has received and registered 5,008 applications in the *Kony* case, including 128 applications previously transmitted in the *Kony et al.* case. To date, the Registry has conducted preliminary legal assessments for 1,749 applications.¹⁹ Among these, 357 were found to be incomplete and require supplementary information, while 442 were found to fall outside of the scope of the Case and require confirmation from their legal representative(s) that the applicants concerned were affected solely by the events described in their applications.
17. Applying the documentary requirements set out in paragraph 42 of the Decision, the Registry has assessed each of the 950 Applications as complete. In conducting its assessment in accordance with paragraphs 38(ii), 42 and 44 of the Decision, the Registry confirms that each of the 950 applicants whose applications are being transmitted in Group A have met *prima facie* the following criteria:
- i. Her, his or their identity as a natural person or organisation is established;
 - ii. She, he or they have personally suffered harm, whether direct or indirect;
 - iii. The harm suffered is a result of one or more crimes formulated in the Amended DCC.

Observations in relation to criterion (i)

18. Certain Applications²⁰ contain minor discrepancies, pertaining to *inter alia*: the date of birth of the applicant and/or person acting on behalf of the applicant; an

¹⁹ To date, 663 applicants out of the 915 applications exclusively registered in the Situation in Uganda (i.e. not registered in any other proceedings) have not yet expressed their consent to participate in the *Kony* case. The OPCV has previously confirmed the consent of 142 applications exclusively registered in the Situation in Uganda on 17 April, 30 May and 23 July 2024 to participate in the *Kony* case proceedings. On 13 February 2025, OPCV informed the Registry that they were unable to contact additional victims.

²⁰ The applications with minor discrepancies include: a/0010/06, a/0064/06, a/0085/06, a/0091/06, a/0093/06, a/0094/06, a/0103/06, a/0111/06, a/0113/06, a/0119/06, a/0120/06, a/0121/06, a/0123/06, a/0125/06, a/0014/07, a/0076/07, a/0080/07, a/0083/07, a/0085/07, a/0086/07, a/0088/07, a/0089/07, a/0101/07, a/0105/07, a/0107/07, a/0108/07, a/0115/07, a/0118/07, a/0122/07, a/0192/07, a/0193/07, a/0194/07, a/0196/07, a/0199/07, a/0200/07, a/0202/07, a/0206/07, a/0209/07, a/0215/07, a/0219/07,

inversion of the applicant's first and last name; the location of signature in the form of the applicant and/or the person acting on behalf of the applicant; the spelling of the name of the applicant and/or the person acting on behalf of the applicant; or other minor inconsistencies in the information provided which appear to be the result of inadvertent errors.

Observations in relation to criterion (iii)

19. In identifying the crimes falling within the scope of the Case, the Registry looks solely at the alleged acts and - save in the case of alleged persecution - does not make any assessment as to the potential underlying grounds for their commission.²¹
20. The Registry notes that certain application forms or attached documents contain incorrect or inconsistent dates and periods of time for the alleged events. These errors include instances where the year of the attack matches the signature date, the month specified for the attack is incorrect while the day and the year are accurate, or the day and month are reversed in the numerical date. Additionally, some Applications only specify the day, and/or month, and/or

a/0228/07, a/0230/07, a/0232/07, a/0233/07, a/0254/08, a/0318/08, a/0346/08, a/0379/08, a/0381/08, a/0382/08, a/0419/08, a/0434/08, a/0482/08, a/0619/08, a/0621/08, a/0144/09, a/0604/09, a/0678/09, a/0703/09, a/0706/09, a/1086/10, a/1129/10, a/2875/10, a/2917/10, a/2950/10, a/3153/10, a/3156/10, a/4002/11, a/40030/14, a/06690/15, a/06726/15, a/06791/15, a/06798/15, a/07016/15, a/07019/15, a/07020/15, a/07023/15, a/07025/15, a/07061/15, a/07100/15, a/07101/15, a/00005/16, a/00057/16, a/00070/16, a/00085/16, a/00091/16, a/00111/16, a/00132/16, a/00156/16, a/00175/16, a/00186/16, a/00213/16, a/00267/16, a/00269/16, a/00302/16, a/00314/16, a/00326/16, a/00328/16, a/00346/16, a/00361/16, a/00363/16, a/00368/16, a/00370/16, a/00388/16, a/00426/16, a/00473/16, a/00537/16, a/00628/16, a/00630/16, a/00639/16, a/00660/16, a/00682/16, a/00694/16, a/00764/16, a/00767/16, a/02108/16, a/20009/24, a/20010/24, a/20011/24, a/20012/24, a/20013/24, a/20014/24, a/20015/24, a/20016/24, a/20017/24, a/20018/24, a/20025/24, a/20026/24, a/20029/24, a/20033/24, a/20035/24, a/20036/24, a/20041/24, a/20042/24, a/20044/24, a/20049/24, a/20051/24, a/20056/24, a/20058/24, a/20061/24, a/20070/24, a/20071/24, a/20072/24, a/20073/24, a/20077/24, a/20078/24, a/20082/24, a/20083/24, a/20087/24, a/20088/24, a/20091/24, a/20094/24, a/20098/24, a/20100/24, a/20111/24, a/20113/24, a/20127/24, a/20130/24, a/20136/24, a/20141/24, a/20146/24, a/20152/24, a/20159/24, a/20161/24, a/20167/24, a/20170/24, a/20182/24, a/20198/24, a/45025/25, a/45030/25, a/45043/25, and a/45062/25.

²¹ As a result, the Registry assesses within Group A applicants who have suffered harm from at least one of the crimes charged against the accused in the Amended DCC. The Registry assesses whether relevant victim applicants were under 18 years old, and/or female applicants, and/or "perceived by the LRA as being affiliated with, or supporting the Ugandan government, by the means of the applicable conduct underlying Counts 1-12" only in cases where the applicant appears to have suffered from the charged crime of persecution (i.e. Counts 14, 23 and 24).

year. Despite these discrepancies, the Applications provide coherent and consistent dates elsewhere or provide detailed contextual descriptions that date the events, such as the *modus operandi* of the attack or the timing of the attack.²² In such cases, the Registry assessed the applications holistically, considering their internal coherence and the overall context of the alleged acts.

21. In case of multiple applications provided by the same applicant (*i.e.* so called “duplicates”), the Registry consolidated them and conducted its assessment based on the overall account and details provided in the consolidated file.
22. The Registry will continue to assess all applications in its possession and will transmit all complete applications on a rolling basis in accordance with the deadlines set in the Decision.²³



Marc Dubuisson, Director Division of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 7 May 2025

At The Hague, the Netherlands

²² These applications include: a/0076/07, a/0105/07, a/0200/07, a/06689/15, a/06690/15, a/07019/15, a/07020/15, a/07023/15, a/07025/15, a/07061/15, a/07101/15, and a/00085/16.

²³ Decision, paras. 38(v) and 39. The Registry shall 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.