

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 5 June 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 1,308 confidential *EX PARTE* annexes, only available to the Registry

**Second Registry Transmission of 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 Under the A-B-C Approach, the Registry is to "classif[y] 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 In this Decision, the Registry was also instructed to transmit Group A and B applications to the Chamber by no later than 18 July 2025, and Group C applications to the Chamber and the parties by no later than 30 June 2025.³ Additionally, the Chamber ordered the Registry to transmit to the Chamber on a rolling basis and in unredacted form all complete applications and any supporting documentation in its possession,⁴ and to disclose to the Prosecution and the Defence all Group C applications, redacted as needed.⁵
2. The present transmission follows the aforementioned instructions.

II. Procedural History

3. On 8 July 2005, Pre-Trial Chamber II, in its previous composition, issued a warrant of arrest against Mr Kony.⁶ The arrest warrant was amended on

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. 39.

⁴ Decision, para. 38(v).

⁵ Decision, para. 38(vi).

⁶ Pre-Trial Chamber II, "Warrant of Arrest for Joseph Kony", 8 July 2005, ICC-02/04-01/05-2-US-Exp.

27 September 2005 and unsealed in October 2005, with the issuance of a public redacted version.⁷

4. Between 22 August 2006 and 15 February 2013, 128 applications for participation were transmitted in the Case.⁸
5. Between 10 August 2007 and 10 March 2009, Pre-Trial Chamber II issued four decisions on the merits of these 128 applications:⁹ 41 applicants were accepted

⁷ 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.

⁸ 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.

⁹ 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,

and are presently represented by the Office of the Public Counsel for Victims (“OPCV”),¹⁰ 16 were rejected, 41 were deferred, and 30 have not yet been decided upon.

6. On 23 November 2023, following a Prosecution request to hold a hearing on the confirmation of charges against Mr Kony in his absence,¹¹ Pre-Trial Chamber II found that there is cause to hold such a hearing¹² and scheduled it to be held on 15 October 2024.¹³
7. On 19 January 2024, the Prosecution filed the “Document Containing the Charges”.¹⁴
8. On 12 March 2024, the Presidency of the Court referred the Case to the Chamber and recomposed the latter.¹⁵

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.

¹⁰ 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.

¹¹ 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.

¹² 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.

¹³ 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.

¹⁴ Prosecution, “Document Containing the Charges”, 19 January 2024, ICC-02/04-01/05-474.

¹⁵ 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.

9. On 29 October 2024, the Chamber issued a decision concluding that all requirements were met to hold the confirmation of charges hearing *in absentia* ("Decision of 29 October 2024").¹⁶
10. 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.¹⁷
11. On 13 December 2024, in its Decision, the Chamber outlined the principles and the procedure for victim participation.¹⁸ 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.
12. On 17 April 2025, the Prosecution submitted the amended document containing the charges.¹⁹
13. On 7 May 2025, the Registry transmitted 950 applications categorised in Group A ("First Registry Transmission of Group A Applications")²⁰ together with a report thereon.²¹
14. On 12 May 2025, the Registry sought, via email, guidance from the Chamber on two matters which arose during the processing of the applications. Specifically, the Registry asked whether it may consider as complete (1) applications submitted by minors who do not have a person acting on their behalf ("PAB"),

¹⁶ 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.

¹⁷ 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.

¹⁸ See fn.1, *supra*.

¹⁹ Prosecution, "Amended Document Containing the Charges", 17 April 2025, ICC-02/04-01/05-591.

²⁰ Registry, "First Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", dated and registered on 7 May 2025, notified on 8 May 2025, ICC-02/04-01/05-05-599.

²¹ Registry, "First Registry Assessment Report on Group A Applications for Victim Participation in Pre-Trial Proceedings", 7 May 2025, ICC-02/04-01/05-05-598.

and (2) deceased applicants whose PAB is also applying for participation in the proceedings (“Registry Submission”).²²

15. On 14 May 2025, the Single Judge considered it appropriate to reclassify the Registry Submission as public and invited the parties and participants to provide their responses via email, by no later than 23 May 2025.²³

16. On 23 May 2025, the OPCV,²⁴ the Defense²⁵ and the Prosecution²⁶ submitted their observations on the Registry Submission.

17. On 3 June 2025, the Appeals Chamber confirmed the Decision of 29 October 2024.²⁷

III. Classification

18. The annexes to the present submission are classified as confidential *ex parte* only available to the Registry, in accordance with the Decision.²⁸

IV. Applicable Law

19. The present transmission 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.

²² Email from Registry to Pre-Trial Chamber III on 12 May 2025 at 15.45.

²³ Email from the Single Judge to the Registry, the Defense, the Prosecution and the OPCV on 14 May 2025 at 09.20.

²⁴ Email from the OPCV to the Single Judge on 23 May 2025 at 09.09.

²⁵ Email from the Defense to the Single Judge on 23 May 2025 at 09.35.

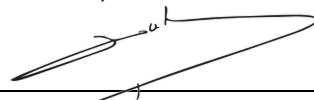
²⁶ Email from the Prosecution to the Single Judge on 23 May 2025 at 14.20.

²⁷ Appeals Chamber, “Judgment on the appeal of Mr Joseph Kony against the decision of Pre-Trial Chamber III of 29 October 2024 entitled “Decision on the criteria for holding confirmation of charges proceedings in absentia”, 3 June 2025, ICC-02/04-01/05-610.

²⁸ Decision, para. 38(v).

V. Transmission

20. The Registry hereby transmits to the Chamber 1,308 complete applications assessed as falling under Group A, in accordance with paragraph 38(v) of the Decision.²⁹



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

Dated this 5 June 2025

At The Hague, the Netherlands

²⁹ This includes one application (a/20010/24) that was previously included in the First Registry Transmission of Group A Applications (see Confidential *ex parte* Annex 689 of First Registry Transmission of Group A Applications,), and which is now being retransmitted in a consolidated version including supplementary information. The Registry notes that the previous classification of application a/20010/24 under Group A remains unchanged.