

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 18 July 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 34 confidential *EX PARTE* annexes, only available to the Registry

**First Registry Transmission of Group B 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 of Group B applications follows the aforementioned instructions.

II. Procedural History

3. Between 22 August 2006 and 15 February 2013, 128 applications for participation were transmitted in the Case.⁶

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 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

4. 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

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.

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.

("OPCV"),⁸ 16 were rejected, 41 were deferred, and 30 have not yet been decided upon.

5. On 19 January 2024, the Prosecution filed the "Document Containing the Charges".⁹
6. 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.¹⁰
7. On 13 December 2024, in its Decision, the Chamber outlined the principles and the procedure for victim participation.¹¹ 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.
8. On 17 April 2025, the Prosecution submitted the amended document containing the charges.¹²
9. On 7 May 2025, the Registry transmitted 950 applications categorised in Group A ("First Group A Transmission")¹³ together with a report thereon.¹⁴

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, "Document Containing the Charges", 19 January 2024, ICC-02/04-01/05-474.

¹⁰ 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.

¹¹ See fn.1, *supra*.

¹² Prosecution, "Amended Document Containing the Charges", 17 April 2025, ICC-02/04-01/05-591.

¹³ 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-02/04-01/05-599.

¹⁴ Registry, "First Registry Assessment Report on Group A Applications for Victim Participation in Pre-Trial Proceedings", 7 May 2025, ICC-02/04-01/05-598.

10. 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”), and (2) deceased applicants whose PAB is also applying for participation in the proceedings (“Registry Submission”).¹⁵
11. On 14 May 2025, the Single Judge ordered the reclassification of the Registry Submission as public and invited the parties and participants to provide their responses via email, by no later than 23 May 2025.¹⁶
12. On 23 May 2025, the OPCV,¹⁷ the Defense¹⁸ and the Prosecution¹⁹ submitted their observations on the Registry Submission.
13. On 5 June 2025, the Registry transmitted 1,307 new applications categorised in Group A (“Second Group A Transmission”)²⁰ together with a report thereon.²¹
14. On 13 June 2025, following a request for guidance from the Registry²² and after receiving the observations from the parties and the participants,²³ the Single Judge instructed the Registry to treat as complete certain applications from minors without a person acting on their behalf based on contextual maturity, and from deceased victims in presence of a person acting on behalf of the victim and who is also a participating victim (“13 June 2025 Clarifications”).²⁴

¹⁵ Email from Registry to Pre-Trial Chamber III on 12 May 2025 at 15.45.

¹⁶ Email from the Single Judge to the Registry, the Defense, the Prosecution and the OPCV on 14 May 2025 at 09.20.

¹⁷ Email from the OPCV to the Single Judge on 23 May 2025 at 09.09.

¹⁸ Email from the Defense to the Single Judge on 23 May 2025 at 09.35.

¹⁹ Email from the Prosecution to the Single Judge on 23 May 2025 at 14.20.

²⁰ Registry, “Second Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings”, 5 June 2025, ICC-02/04-01/05-05-614.

²¹ Registry, “Second Registry Assessment Report on Group A Applications for Victim Participation in Pre-Trial Proceedings”, 5 June 2025, ICC-02/04-01/05-05-613. This transmission included one additional application (a/20010/24) already transmitted in the First Group A Transmission and retransmitted in a consolidated version including supplementary information.

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

²³ Email from the OPCV to the Single Judge on 23 May 2025 at 09.09; email from the Defense to the Single Judge on 23 May 2025 at 09.35, and email from the Prosecution to the Single Judge on 23 May 2025 at 14.20.

²⁴ Email from Single Judge to the Registry on 13 June 2025 at 09:28.

III. Classification

15. The annexes to the present submission are classified as confidential *ex parte* only available to the Registry, in accordance with the Decision.²⁵

IV. Applicable Law

16. 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.

V. Transmission

17. The Registry hereby transmits to the Chamber 34 complete applications assessed as falling within Group B, in accordance with paragraph 38(v) of the Decision.



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

Dated this 18 July 2025

At The Hague, the Netherlands

²⁵ Decision, para. 38(v).