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No. ICC-02/04-01/05

Date: 12 August 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

Decision on victim applications for participation in the proceedings

Decision 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
Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

PRE-TRIAL CHAMBER III of the International Criminal Court issues this ‘Decision on victim applications for participation in the proceedings’.

I. PROCEDURAL HISTORY AND SUBMISSIONS

1. On 8 July 2005, Pre-Trial Chamber II issued a warrant of arrest against Joseph Kony (‘Mr Kony’), which was amended on 27 September 2005.¹
2. Between 2007 and 2012, Counsel of the Office of Public Counsel for Victims (the ‘OPCV’) were appointed to represent the victims authorized 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.²
3. 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.³

¹ 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 (public lesser redacted version issued on 13 March 2023, [ICC-02/04-01/05-456-Anx](#)).

² 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 [ICC-02/04-01/05-532](#), public.

4. On 12 December 2024, the Chamber decided that the confirmation of charges hearing shall commence on 9 September 2025,⁴ and ordered the Prosecution, *inter alia*, to submit a revised version of its Document Containing the Charges (the ‘DCC’) and a Pre-Confirmation Brief (the ‘PCB’), by no later than 17 April 2025.⁵

5. On 13 December 2024, the Chamber issued its ‘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’ (the ‘Decision on Victim Participation’),⁶ thereby *inter alia* adopting the principles and procedure governing victim participation, including the procedure for admission of victims to participate in the proceedings in accordance with rule 89 of the Rules of Procedure and Evidence (the ‘Rules’). In particular, the Chamber adopted the system for transmission and admission of victim applications, directing the Registry to classify applicants into three categories: (i) applicants who clearly qualify as victims (‘Group A’); (ii) applicants who clearly do not qualify as victims (‘Group B’); and (iii) applicants for whom the Registry could not make a clear determination for any reason (‘Group C’). The Chamber further instructed the Registry to transmit all complete applications on a rolling basis, with Group C applications to be transmitted to the Chamber and the parties by no later than 30 June 2025, and Group A and B applications by no later than 18 July 2025. Additionally, the Chamber ordered the Registry to reassess and integrate into the A-B-C admission procedure in this case victim application forms from the *Prosecutor v. Dominic Ongwen* case, the Situation in Uganda, and the *Kony et al.* case, subject to determining whether the applicants wished to also participate in these proceedings. It instructed that these, together with any newly submitted applications, be assessed on the basis of the charges outlined in the forthcoming revised version of the DCC and the PCB.

6. Additionally, in the Decision on Victim Participation, the Chamber directed 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

⁴ [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.

⁵ [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.

⁶ [ICC-02/04-01/05-540](#), public.

admitted victims (the ‘Common Legal Representatives of Victims’). The Chamber decided that their mandate would take effect upon the issuance of the decision on applications for victim participation and assigned the OPCV to represent the collective interests of potential victims until that moment.

7. On 17 April 2025, the Prosecution filed the ‘Amended Document Containing the Charges’ (the ‘Amended DCC’)⁷, the PCB⁸ and the ‘List of Evidence’.⁹

8. On 7 May 2025, the Registry submitted the ‘First Registry Assessment Report on Group A Applications for Victim Participation in Pre-Trial Proceedings’¹⁰ and the First Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings, ICC-02/04-01/05-599 (the ‘First Group A Transmission’).¹¹

9. On 5 June 2025, the Registry submitted the ‘Second Registry Assessment Report on Group A Applications for Victim Participation in Pre-Trial Proceedings’¹² and the Second Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings (the ‘Second Group A Transmission’).¹³

10. On 13 June 2025, following a request for guidance from the Registry and observations from the parties and the participants, the Single Judge instructed the Registry to treat as complete, for the purposes of the A-B-C admission procedure, applications from: (i) minors without a person acting on their behalf (a ‘PAB’), when there was contextual information to demonstrate the maturity of the applicant, or whose age at the time of the signature was close to 18 and who have turned 18 since the signature of the application or later signed supplementary information; and (ii) deceased

⁷ [ICC-02/04-01/05-591](#), public with annex, public.

⁸ ICC-02/04-01/05-593-Conf, confidential (a public redacted version was filed on 24 April 2025, [ICC-02/04-01/05-593-Red](#)) with annexes A, B, C and D, public and annex E (composed of sub-annexes), confidential.

⁹ [ICC-02/04-01/05-594](#), public, with annex, confidential. Following the Single Judge’s authorisation (email on 26 May 2025, at 9:38), on 27 May 2025 the Prosecution submitted an Updated List of Evidence, [ICC-02/04-01/05-605](#), public, with annex, confidential.

¹⁰ [ICC-02/04-01/05-598](#), public with annex, confidential.

¹¹ ICC-02/04-01/05-599 (the ‘First Group A Transmission’), public (as of the date this decision, the filing was not yet accessible on Legal Tools), with 950 annexes, confidential *ex parte*, only available to the Registry.

¹² [ICC-02/04-01/05-613](#), public with confidential annex.

¹³ [ICC-02/04-01/05-614](#), public with 1308 annexes, confidential *ex parte*, only available to the Registry. This transmission included one additional application previously transmitted in the First Group A Transmission and retransmitted in a consolidated version including supplementary information. See Second Group A Transmission, fn 29.

victims having a person acting their behalf, who is also a participating victim (the ‘13 June Clarification’).¹⁴

11. On 2 July 2025, the Registry informed the Chamber that it had not identified any application falling under Group C.¹⁵

12. On 18 July 2025, the Registry submitted the ‘Third Registry Assessment Report on Group A and Group B Applications for Victim Participation in Pre-Trial Proceedings’ (the ‘Third Registry Assessment Report’);¹⁶ the First Registry Transmission of Group B Applications for Victim Participation in Pre-Trial Proceedings, (the ‘First Group B Transmission’),¹⁷ and the Third Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings (the ‘Third Group A Transmission’).¹⁸ The Registry indicates it has assessed and registered 6,131 applications in the current case, including 128 applications previously transmitted in the *Kony et al.* case. Among these, the Registry transmitted 5,827 applications¹⁹ divided into Group A and B. In case of multiple applications submitted by the same applicant, the Registry consolidated them and conducted its assessment based on the overall account and details provided in the consolidated file.

1. Group A Applications

13. The Registry transmitted a total of 5,793 applications under Group A (the Group A Applications’). These applications were submitted by 5,795 applicants.²⁰ The

¹⁴ See Single Judge email on 13 June 2025, at 09:28 20 in annex 14 to the ‘Report on decisions and orders issued by way of email for the period April 2025 – June 2025’, ICC-02/04-01/05-623, public (as of the date this decision, the filing was not yet accessible on Legal Tools), with public annexes 1-8 and 11-15 and confidential annexes 9 and 10.

¹⁵ Email from the Registry on 2 July 2025, at 13:29.

¹⁶ ICC-02/04-01/05-620, public (as of the date this decision, the filing was not yet accessible on Legal Tools), with annex 1, confidential and annex 2, confidential *ex parte*, only available to the Registry.

¹⁷ ICC-02/04-01/05-621, public (as of the date this decision, the filing was not yet accessible on Legal Tools) with 34 annexes, confidential *ex parte*, only available to the Registry.

¹⁸ ICC-02/04-01/05-622 public (as of the date this decision, the filing was not yet accessible on Legal Tools), with 3,548 annexes, confidential *ex parte*, only available to the Registry. This transmission included 12 applications previously submitted in the First Group A Transmission and Second Group A Transmission that were retransmitted in a consolidated version. See Third Group A Transmission, fn 26.

¹⁹ According to the Registry, the remaining 304 applications include 232 applications that were incomplete, 26 duplicates and 46 submitted shortly before the 18 July 2025 deadline, for which preliminary legal assessment could not be completed in time. See Third Registry Assessment Report, p. 7.

²⁰ According to the information transmitted by the Registry, among the Group A applications, one was received from an organisation and one from a household composed of three members, whereas the remaining applications were received from individuals, bringing the total number of applicants included in the Group A to 5,795. See Third Registry Assessment Report, para. 16.

Registry indicates that the Group A Applications are complete and meet, *prima facie*, the following criteria: (i) the identity of the applicant as a natural person or organisation is established; (ii) the applicant has suffered harm, whether direct or indirect; and (iii) the harm suffered is a result of one or more of the crimes formulated in the Amended DCC.

14. In relation to the first criterion, the Registry states that, in line with the Decision on Victim Participation and the 13 June 2025 Clarification, it has: (i) reassessed applications of deceased participating victims in the *Ongwen* case, when complemented by a request for resumption of action; (ii) assessed as complete one application of a deceased applicant whose PAB is also applying for participation; and (iii) assessed as complete certain applications from minors without a PAB. In addition, the Registry indicates that certain Group A Applications contain minor discrepancies appearing to be the result of inadvertent errors.²¹

15. Regarding the third criterion, the Registry submits that it has adopted a holistic approach, taking into account the internal coherence of the applications and the overall context of the alleged acts; accordingly, they were assessed as complete if including coherent and consistent dates elsewhere or offering detailed contextual descriptions allowing to establish the timing of relevant events.

2. Group B Applications

16. The Registry transmitted a total of 34 applications under Group B (the Group B Applications'). The Registry submits that, upon applying its *prima facie* assessment of Group B Applications, it has determined that the applicants clearly do not qualify as victims because the harm alleged has resulted from events falling outside the territorial, temporal, and/or material parameters of this case.

²¹ Some of the reported discrepancies pertain to the date of birth of the applicant and/or the PAB; an inversion of the applicant's first and last name; the location of signature in the form of the applicant and/or the PAB; the spelling of the name of the applicant and/or the PAB.

II. DETERMINATION

A. Groups A and B applications

1. Group A Applications

17. The Chamber recalls the criteria for an applicant to qualify as a victim,²² and the procedure for the admission of Group A and B applications, namely that ‘[b]arring a clear, material error in the Registry’s assessment of Groups A and B, the Chamber, taking into account the Registry’s assessment [...], 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’.²³

18. The Registry submits that, upon its initial assessment, 5,793 applications (submitted by 5,795 applicants) are complete and fall under Group A. The Chamber has not identified any clear, material error in the Registry’s assessment and concurs with it. The Chamber considers that the minor discrepancies identified by the Registry in certain applications do not affect the overall credibility of the information provided therein. The Chamber also finds no error in the Registry’s adoption of a holistic approach with respect to applications containing incorrect or inconsistent dates when they provide coherent and consistent dates elsewhere or offer detailed contextual descriptions that establish the timing of the events.

19. In light of the above, the Chamber decides to authorise the 5,795 applicants²⁴ to participate as victims in the present proceedings.

2. Group B Applications

20. The Chamber notes that the Registry has determined that, for the 34 Group B Applications, applicants clearly do not qualify as victims because the alleged harm resulted from events falling outside the territorial, temporal, and/or material scope of the case. The Chamber has not identified any clear, material error in the Registry’s

²² Decision on Victim Participation, para 38. See also, Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision Establishing the Principles Applicable to Victims’ Applications for Participation](#), 5 March 2019, ICC-01/14-01/18-141, para. 21; [Chambers Practice Manual](#), eighth edition, 2024, paras 96-97.

²³ Decision on Victim Participation, para. 38 (x).

²⁴ As listed in the First Registry Transmission of Group A Applications, the Second Registry Transmission of Group A Applications and the Third Registry Transmission of Group A Applications.

assessment. Therefore, the Chamber decides not to authorise the 34 applicants concerned²⁵ to participate as victims in the present proceedings.

B. Legal representation of victims

21. Noting that the Common Legal Representatives of Victims will take on their duties immediately upon the issuance of the present decision, the Chamber, pursuant to rule 121(10) of the Rules: (i) grants the Common Legal Representatives of Victims access to the record of the proceedings containing all filings, decisions, transcripts of hearing, and items of evidence disclosed or made available, with the exception of those classified as *ex parte*, only available to or held in the presence of the Prosecution, the Defence, another participant and/or the Registry; and (ii) instructs the Registry to notify the Common Legal Representatives of Victims of all public and confidential documents, decisions, and transcripts contained in the record, with the exception of those classified as *ex parte*, only available to or held in the presence of the Prosecution, the Defence, another participant and/or the Registry.

FOR THESE REASONS, THE CHAMBER HEREBY

AUTHORISES the participation in the present proceedings of the 5,795 Group A victims having submitted the applications included in the First Group A Transmission, the Second Group A Transmission, the Third Group A Transmission;

DECIDES to reject the applications of the 34 Group B victims having submitted the applications included in the First Group B Transmission;

GRANTS the Common Legal Representatives of Victims access to the record of the proceedings containing all filings, decisions, transcripts of hearing, and items of evidence disclosed or made available, with the exception of those classified as *ex parte*, only available to or held in the presence of the Prosecution, the Defence, another participant and/or the Registry; and

INSTRUCTS the Registry to notify the Common Legal Representatives of Victims of all public and confidential documents, decisions, and transcripts

²⁵ As listed in the First Registry Transmission of Group B Applications.

contained in the record, with the exception of those classified as *ex parte*, only available to or held in the presence of the Prosecution, the Defence, another participant and/or the Registry.

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 Tuesday, 12 August 2025.

At The Hague, The Netherlands