

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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PRE-TRIAL CHAMBER III

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

SITUATION IN UGANDA

THE PROSECUTOR v. JOSEPH KONY

**Public
with confidential Annex A and Annex B**

Public Redacted Version of “Prosecution’s Request for Redactions to the Amended Arrest Warrant Application” (ICC-02/04-01/05-536-Conf, filed on 8 November 2024)

Source: Office of the Prosecutor

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I. INTRODUCTION

1. Pursuant to the Chamber's E-Mail decision of 26 October 2024,¹ the Prosecution hereby respectfully requests that a public redacted version of the Prosecutor's Amended Application for Warrants of Arrest Under Article 58, ICC-02/04-01/05-531-Conf ("Amended Application") and its Annex H, is issued with discrete redactions applied to sensitive information to safeguard the identity of Prosecution witnesses as well as the confidentiality of evidentiary materials. In proposing the redactions, the Prosecution has reviewed the public redacted version of the *Ongwen* Trial Judgment² as well as publicly available trial materials of those witnesses, who are mentioned in the Amended Application and who testified in the *Ongwen* proceedings.

II. CONFIDENTIALITY

2. This Request and its Annexes A and B are filed confidential pursuant to Regulation 23bis (2) of the Regulations of the Court ("Regulations"), as they concern decisions and filings of the same designation. A public redacted version of this Request will be filed as soon as practical.

III. SUBMISSIONS

3. The proposed redactions are tailored to the identifying information of certain witnesses in the *Kony* proceedings, whose identities cannot be revealed at this stage of the proceedings pursuant to rule 81(4) of the Rules. Revealing the status of these persons as witnesses would put them at risk of potential interference as well as stigmatisation within the communities they live in. Especially witnesses, who are former members of the LRA and witnesses, who are also victims of sexual and gender based violence or who were abducted by the LRA at a young age, risk

¹ ICC-02/04-01/05 – Second Decision on the Prosecution request to reclassify and transfer the amended application for Warrants of arrest under Article 58 – public, dated 28.10.2024, at 17:16 hrs.

² ICC-02/04-01/15-1762-Red.

stigmatisation and isolation within the communities they returned to and now reside in. There is general stigmatization of former LRA members that have attempted to (re)integrate into the community, in particular of women (including “wives”) that were subjected to sexual violence.³ A number of witnesses have expressed concern about their former role within the LRA becoming known to their family or their community. Further, there is a risk that their status as a witness may be linked to perceived financial benefits within their communities, and therefore also lead to harassment.⁴ Maintaining confidentiality by way of redactions is an effective measure to mitigate this risk and is less intrusive than other potential protective measures.

4. The Prosecution continuously monitors the security situation and activities of potential threat actors in Uganda and the region. From January until June 2023 reportedly two incidents could be attributed to the LRA in the category violence against civilians (abduction of children), both not in Uganda but in the DRC. 2022, 24 attacks, with 13 fatalities and 11 abductions have been reported that might have involved the LRA in south-eastern CAR, Southern South Sudan and north-eastern DRC. In 2021, the LRA is reported to have been involved in 60 incidents, involving 40 abductions and 23 civilian fatalities.⁵ While the capacity of the LRA to act against witnesses in Uganda is considered low, it cannot be underestimated as Mr Kony is still at large and evading arrest. Many former collaborators of the LRA still reside in northern Uganda. While there is currently little evidence of an organised network, the risk from individuals speculating about a witness and their cooperation with the Prosecution can result in harassment and intimidation. This has occurred during the *Ongwen* proceedings. Thus, making the names and

³ Anna Macdonald, Raphael Kerali, [Being Normal: Stigmatization of Lord’s Resistance Army Returnees as ‘Moral Experience’ in Post-war Northern Uganda](#), Journal of Refugee Studies, Volume 33, Issue 4, December 2020, Pages 766–790; Tim Allen, Jackline Atingo, Dorothy Atim, James Ocitti, Charlotte Brown, Costanza Torre, Cristin A Fergus, Melissa Parker, [What Happened to Children Who Returned from the Lord’s Resistance Army in Uganda?](#), Journal of Refugee Studies, Volume 33, Issue 4, December 2020, Pages 663–683.

⁴ Jackline Atingo, Tim Allen, Anna Macdonald, *Witnessing Ongwen*, Journal of International Criminal Justice, 4 September 2024, available at <https://academic.oup.com/jicj/advance-article/doi/10.1093/jicj/mqae029/7749304>.

⁵ Crisis Tracker, see <https://crisistracker.org/>, last accessed on 7 November 2024.

therefore their potential future testimony public puts witnesses at risk of interference by persons in the communities they reside in as well as by persons from Mr Kony's support network. At this stage of the proceedings, the potential risks to witnesses outweigh the need for publication of their names.

5. As stated above, the Prosecution has reviewed the public and confidential versions of the *Ongwen* Trial Judgement as well as publicly available testimony of all witnesses, who testified in the *Ongwen* proceedings and who are also referenced in the Amended Application. Any lifting of redactions for protected information would require a request to Trial Chamber II for a variation of these protective measures. As all these witnesses are still alive and the Prosecution's assessments as to their personal situations have not changed, such requests are not recommended at this stage and the redactions should be maintained.
6. Furthermore, discrete redactions are proposed to safeguard the confidential nature of evidence and information, which is otherwise designated as confidential, including because it was received on account of cooperation.
7. The Prosecution sets out each proposed redaction in the format of a table below for ease of reference. The proposed redactions are mirrored on Annex A to this Request in form of see through-redactions.

Proposed redactions to the Amended Application (Annex A)

Paras.	Redacted Information	Justification
COUNTS 1 -5	Names of Lwala School Girl victims, victims of SGBC, namely P-0004, P-0015, P-0002, P-0021, both P-0015 and P-0004 testified with protective measures in the <i>Ongwen</i> trial.	Witness protection
COUNTS 6- 8	Name of P-0006, witness of the Pajule IDP camp attack, and victim of SGBC, also subject to protective measures in the <i>Ongwen</i> trial.	Witness protection

COUNTS 11, 13, 14	In COUNT 11 and 13, the name of P-0056, a witness who was abducted [REDACTED]. In Count 14 the names of P-0056 and P-0077, who is also an Abia camp attack eye-witness.	Witness protection
COUNTS 16 - 18	Names of victims of the Barlonyo attack. While these persons are deceased, their names were provided by witnesses, therefore publication would be identifying. Count 18 also includes the name of P-0076, who was a [REDACTED] at the time of the events.	Witness protection
COUNTS 20-25	In COUNTS 21, 22 24, and 25 the name of P-0011, an eye-witness victim to the Pagak attack. In COUNTS 20, 23, 24, 25 also the name of a close relative of P-0011, whose publication would be identifying to P-0011.	Witness protection
COUNTS 27, 28, 30, 31, 32	Names of victims and witnesses of the Lukodi IDP camp attack, including to safeguard protective measures applied in the <i>Ongwen</i> trial. The redacted names are linked to witness P-0024, who testified with protective measures in the <i>Ongwen</i> case.	Witness protection
48	Name of P-0004, victim of the Lwala incident and SGBC	Witness protection
49-51	Name and identifying information of P-0070, insider witness as former member of the LRA, who also testified with protective measures in the <i>Ongwen</i> case	Witness protection
54	Name of P-0070, as above	Witness protection
72	Identifying information about witnesses P-0440, P-0085, P-0041 (per bullet point, including fns. 22, 25, and 27). P-0440 and P-0085 are insider witnesses who testified in the <i>Ongwen</i> proceedings with protective measures. P-0041 is also an insider witness specifically for the Lwala Girls School incident, whose identity	Witness protection

	should remain protected at this stage of the proceedings.	
73, fn. 28	Identifying information about P-0045. She is an insider witness, who also testified with protective measures in the <i>Ongwen</i> proceedings.	Witness protection
74	Identifying information about P-0045 and P-0070, both insider witnesses.	Witness protection
75	Identifying Information about [REDACTED] and [REDACTED], both abducted as children and integrated into the LRA.	Witness protection
76	Identifying information about P-0085, insider witness.	Witness protection
77	Name of P-0045 and P-0087, both female insider witnesses, including victims of SGBC.	Witness protection
78	Name and information about P-0021 and P-0015, victims of SGBC	Witness protection
79	Identifying information about P-0045, female insider witness, and P-0005, insider witness, who was abducted [REDACTED].	Witness protection
80	Name of P-0070, insider witness.	Witness protection
82	Names of P-0070, insider witness.	Witness protection
83	Name of P-0045, female insider witness.	Witness protection
84	Name of P-0085, insider witness.	Witness protection
87	Names and identifying information of P-0085, P-0083, P-0070, who are all insider witnesses.	Witness protection
88	Name of P-0004, who is a victim of SGBC.	Witness protection

90, fn. 31	Name and identifying information on P-0002 and P-0087, both victims of SGBC. In fn. 31, names of P-0070 and P-0045.	Witness protection
91-93	Name and identifying information about P-0087, victim of SGBC.	Witness protection
93	Name of P-0045, female insider witness.	Witness protection
94	Name of P-0070, insider witness.	Witness protection
95	Names of P-0045, P-0004, P-0087, female insiders and victims of SGBC.	Witness protection
96	Names and identifying information on P-0015, victim of the Lwala Girls School incident, and P-0070, insider witness.	Witness protection
99-102, 105	Name and identifying information of P-0085, insider witness.	Witness protection
102-107	Name and identifying information about P-0070, insider witness.	Witness protection
Fn. 33	Identifying information of P-0070, insider witness.	Witness protection
Fn. 51	Names and identifying information of several witnesses, namely P-0045, P-0070, P-0087, P-0085, all insider witnesses, including two female insiders.	Witness protection
119	Name and identifying information about P-0045, female insider, and P-0085, insider witness.	Witness protection
Fn. 58	Name and identifying information of P-0045, female insider witness.	Witness protection
121	Names of P-0085, P-0070, both insider witnesses.	Witness protection

123	Name of P-0085, insider witness.	Witness protection
124	Names of P-0087, female insider witness, and P-0085, insider witness.	Witness protection
126	Name and identifying information of P-0030, insider witness for the Pagak incident.	Witness protection
127	Name of P-0070, insider witness.	Witness protection
128	Name of P-0085, insider witness.	Witness protection
129	Name of P-0045, female insider witness	Witness protection
Fn. 65	Information about P-0030, insider witness for the Pagak incident.	Witness protection
131	Identifying information on P-0085 and P-0070, insider witnesses.	Witness protection
132	P-0030, P-0085 and P-0041, insider witnesses.	Witness protection
135	P-0085, insider witness.	Witness protection
138	P-0045 and P-0087, both female insiders.	Witness protection
143	Information referencing three identifiable witnesses, only one of which testified publicly in the <i>Ongwen</i> trial.	Witness protection
154-157	Name and identifying information about P-0070, insider witness.	Witness protection
158-162	Names and identifying information of P-0005 and P-0070, both insider witnesses.	Witness protection
163	Identifying information about P-0041, insider witness.	Witness protection
LWALA Girls School		
183-223, Fn. 82-86	Identifying information about Lwala Girls School incident witnesses, including P-0015, P-	Witness protection

	0021, P-0002, P-0004, and P-129. All these witnesses were subject to sexual and gender based violence of different degrees and would risk stigmatisation in their communities. P-0015 and P-0004 testified with protective measures in the <i>Ongwen</i> case. In para. 188, the name of P-0068 is mentioned, however he is deceased. Further, in para. 189, the name of P-0075 is also provided. He should be redacted.	
225	Identifying information about P-0004, victim of SGBC.	Witness protection
226-236	Identifying information about P-0070, insider witness.	Witness protection
235-239	Here, identifying information about P-0048 related to the Lwala Girls School incident is provided, which is still confidential and was not subject to his testimony in the <i>Ongwen</i> trial.	Witness protection
240-248	Identifying information about P-0041, insider witness, who provides details on the Lwala Girls School incident.	Witness protection
PAJULE IDP Camp Attack <i>Some of the witnesses, mentioned in this section of the Amended Application, testified publicly in the Ongwen proceedings, while others were granted protective measures.</i>		
255, 257	Identifying information on P-0084, who testified pursuant to rule 68(2)(b) in the <i>Ongwen</i> case.	Witness protection
Fn. 89	Identifying information on P-0049, who is also relevant to the Abia IDP camp attack and a military officer.	Witness protection
258-260	Identifying information on P-0084, testified pursuant to rule 68(2)(b) in the <i>Ongwen</i> case.	Witness protection

Fn. 92	Identifying information on P-0084, testified pursuant to rule 68(2)(b) in the <i>Ongwen</i> case.	Witness protection
270	Identifying information on P-0084, testified pursuant to rule 68(2)(b) in the <i>Ongwen</i> case.	Witness protection
273	Redaction to source of information as an innocent third party required out of an abundance of caution.	Innocent third party, source protection
274	Identifying information on P-0084, testified pursuant to rule 68(2)(b) in the <i>Ongwen</i> case.	Witness protection
287-300	Identifying information on P-0006, who is a victim of SGBC and also received protective measures in the <i>Ongwen</i> proceedings.	Witness protection
314, 319-321	Detailed information about the injury sustained by P-0048, including the involvement of [REDACTED], as well as details of the attack on the Pajule IDP camp, which was redacted in the <i>Ongwen</i> proceedings, see e.g. ICC-02/04-01/15-T-240-Red2-Eng, and also not provided in the public version of the <i>Ongwen</i> Trial Judgment.	Witness protection
322-328	Identifying information about P-0045, female insider witness, who testified with protective measures in the <i>Ongwen</i> case.	Witness protection
329-332	Identifying information on P-0021 and P-0015, witnesses of the Lwala Girls School incident and victims of SGBC.	Witness protection
ABIA IDP Camp Attack		
337	References to evidentiary materials of a confidential designation related to the Abia IDP Camp attack	Confidentiality to be maintained do to cooperation
338	Name and identifying information about P-0050, [REDACTED] at the Abia camp.	Witness protection

340	Name and identifying information about P-0049, military officer.	Witness protection
Fn. 96	Name and identifying information about P-0050, [REDACTED] of the Abia camp.	Witness protection
342-346	Name and identifying information about P-0050, [REDACTED] of the Abia camp.	Witness protection
362	Name and identifying information about an abducted boy, to be redacted as innocent third party out of an abundance of caution.	Innocent third party
364-368	Name and identifying information about P-0056, witness was abducted [REDACTED].	Witness protection
369-376	Name and identifying information about P-0077, victim-witness.	Witness protection
377	Name and identifying information about P-0050 and P-0049, see above.	Witness protection
384-387	Name and identifying information about P-0070, insider witness.	Witness protection
388	Name and identifying information about P-0056, witness was abducted [REDACTED].	Witness protection
389-390, 393-394 Fn. 98	Name and identifying information about P-0005, insider witness.	Witness protection
BARLONYO IDP Camp Attack		
403	Information on confidential evidentiary materials and witness names, including name and position of P-0017, who is a member of the police authorities, relevant to the Barlonyo IDP Camp attack.	Confidentiality of evidence due to cooperation, witness protection
404	Name and identifying information about P-0065, [REDACTED] of the Barlonyo camp.	Witness protection

405, 408-411	Name and identifying information about P-0072, [REDACTED] at Barlonyo, [REDACTED].	Witness protection
414	Name and identifying information about P-0072, [REDACTED] at Barlonyo, [REDACTED].	Witness protection
415-419	Name and identifying information about P-0065, [REDACTED] of the Barlonyo camp, and P-0025, victim of the attack.	Witness protection
420-427	Name and identifying information about P-0082, victim of the attack.	Witness protection
428-430	Name and identifying information about P-0076, victim of the attack.	Witness protection
431	Name and identifying information about P-0072, [REDACTED] at the Barlonyo camp, and P-0065, [REDACTED] of the Barlonyo camp.	Witness protection
441	Name and identifying information about P-0070, insider witness.	Witness protection
443-444	Name and identifying information about P-0076, victim of the attack.	Witness protection
445	Name and identifying information about P-0056, witness was abducted [REDACTED].	Witness protection
PAGAK IDP Camp Attack		
456	Name and position of P-0017, who is a member of the police authorities.	Witness protection
457	Name and identifying information about P-0044, who is the [REDACTED] of the Pagak IDP camp, and P-0053, who was a UPDF commander at Pagak IDP camp.	Witness protection
458-470	Name and identifying information about P-0053, P-0064, P-0058.	Witness protection

472-484	Name and identifying information about P-0011, victim of the attack.	Witness protection
507-508	Name and identifying information about P-0044.	Witness protection
515-519	Name and identifying information about P-0044.	Witness protection
519-530, 531	Name and identifying information about P-0030, insider witness, and P-0053, who was a UPDF commander at Pagak IDP camp.	Witness protection
528, 531-533	Name and identifying information about P-0440, insider witness.	Witness protection
538	Name and identifying information of P-0011, victim of the Pagak attack.	Witness protection
540	Name of P-0030, insider witness.	Witness protection
LUKODI IDP Camp Attack <i>Some of the witnesses, mentioned in this section of the Amended Application, testified publicly in the Ongwen proceedings, while others were granted protective measures.</i>		
544	Name and position of P-0017, police officer, also protected in the <i>Ongwen</i> proceedings.	Witness protection
546-549	Name and identifying information about P-0035, [REDACTED], also protected in the <i>Ongwen</i> proceedings.	Witness protection
562-573	Name and identifying information about P-0024, resident in the Lukodi camp, also <i>protected</i> in the <i>Ongwen</i> proceedings.	Witness protection
574	Name and identifying information about P-0035, [REDACTED], also protected in the <i>Ongwen</i> proceedings.	Witness protection
576	Name and identifying information P-0017, police officer, also protected in the <i>Ongwen</i> proceedings.	Witness protection

578	Name and identifying information P-0042, [REDACTED], also protected in the <i>Ongwen</i> proceedings.	Witness protection
Reasons Arrest Warrants Are Necessary		
593	Confidential information relevant to cooperation and contacts with national authorities	Protection of confidential information relevant to cooperation

8. Certain witnesses testified publicly in the *Ongwen* trial. As such, the names and identifying information of the following persons are proposed to be left unredacted, listed here to assist the Chamber, parties and participants:

- Insider witness Charles Lukwiya, P-0048 (D26-P-1034), who testified live and publicly;
- Insider witness Hillary Lagen, P-0040, whose prior recorded testimony was submitted pursuant to rule 68(2)(b) of the Rules;
- Witness Okema John Brown, P-0008, who testified publicly and whose prior recorded testimony was submitted pursuant to Rule 61(2)(b) of the Rules;
- Witness John Lubwama, P-0047, who testified publicly and whose prior recorded testimony was submitted pursuant to Rule 68(3) of the Rules;
- Witness Dick Okot, P-0067, who testified live publicly;
- Witness Benson Ojok, P-0061, whose prior recorded testimony was introduced pursuant to rule 61(2)(b) of the Rules;
- Witness Martin Kalyemenya, P-0036, whose prior recorded testimony was introduced pursuant to rule 61(2)(b) of the Rules;
- Witness Santo Ojera, P-0060, whose prior recorded testimony was introduced pursuant to rule 61(2)(b) of the Rules;
- Witness Ayaa Pyerina, P-0026, whose prior recorded testimony was introduced pursuant to rule 61(2)(b) of the Rules;
- Witness Joseph Ywakomoi (Rwot) Oywak, P-0009, who testified publicly;
- Witness Omona Lokilamoi, P-0001, whose prior recorded testimony was introduced pursuant to rule 61(2)(b) of the Rules.

9. Occasionally, while identities of witnesses may have been left unredacted, information they provided, which was disclosed only in private session, which was redacted in a statement during the *Ongwen* proceedings, or which was not part of the *Ongwen* case record, has been redacted, if the information is deemed sufficiently sensitive to merit withholding from the public.
10. Furthermore, several witnesses mentioned in the Amended Application are deceased. These are [REDACTED] (P-0129), Erminia Apio (P-0020), Charles Abola (P-0010), Christine Aceng (P-0014), Pismis Okema (P-0064), Christine Anek (P-0012), and David Okot (P-0066). With the exception of P-0129, the Prosecution considers that all these identities can be made public. The Prosecution has conferred with the relatives of these witnesses to ensure that there would not be a negative impact on their current livelihoods, especially a risk of stigmatisation. In the case of P-0129 the Prosecution seeks to redact her identity even though she is deceased. P-0129 is a victim of the Lwala Girls School attack and mentioned by other witnesses. Revealing her identity would not only risk identifying the other witnesses but also risk the stigmatisation of her immediate relatives, especially her [REDACTED].

Proposed redaction to Annex H of the Amended Application

11. Regarding Annex H, the Prosecution respectfully respects the face of the women in two of the pictures on page 4 of Annex H to be redacted. See-through highlights are applied in Annex B. In the pictures, the women are sitting next to Vincent Otti, who was Mr Kony's former deputy. The Prosecution is not aware of the identity of the two women; however, the evidence on record, as well as the pictures themselves show that they are two of his former forced *wives*. Thus, should these pictures be made public, there is a severe risk of stigmatisation of these women.

IV. CONCLUSION AND RELIEF SOUGHT

12. For the reasons set out above as well as in Annex A and B, the Prosecution respectfully requests that the Chamber accept the proposed redactions for the Amended Application as well as for its Annex H.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 13th day of October 2025
At The Hague, The Netherlands