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TRIAL CHAMBER II

Before: Judge María del Socorro Flores Liera, Presiding Judge
Judge Kimberly Prost
Judge Nicolas Guillou

SITUATION IN UGANDA

IN THE CASE OF THE PROSECUTOR v. DOMINIC ONGWEN

**URGENT
Public**

**Joint submission of the Registry and Trust Fund for Victims on the notification
process**

Source: Registry

Trust Fund for Victims

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

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| ☐ Legal Representatives of the Victims | ☐ Legal Representatives of the Applicants |
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I. Introduction

1. Pursuant to the order issued on 15 May 2026 (“Order”)¹ in the case of *The Prosecutor v. Dominic Ongwen* (“Case”), the Registry and the Trust Fund for Victims (“TFV”) hereby submit their joint report on the notification process.

II. Procedural History

2. On 28 February 2024, Trial Chamber IX issued an order for reparations (“Reparations Order”) against Mr Ongwen, ordering, through the Trust Fund for Victims (the “TFV”) collective community-based reparations focused on rehabilitation, and symbolic and satisfaction measures to the direct and indirect victims of the crimes for which he was convicted. The Reparations Order instructed the Registry’s Victims Participation and Reparations Section (the “VPRS”) to complete the administrative eligibility assessments of an estimated 49,772 potentially eligible direct and indirect victims within a timeframe of two years.

3. On 30 October 2025, the Registry filed its request for an extension of time (“Registry Request”) in reaction to which the Registry was instructed, and the TFV and OPCV were invited, to respond to specific issues raised by the Trial Chamber.² Such observations were filed by the TFV and the Registry on 2 February 2026.³

4. On 30 April 2026, Trial Chamber II (“Chamber”) held a public status conference to assess practical ways to make the administrative eligibility process of victims more efficient. During the status conference, the possibility of joint efforts between the VPRS and the TFV for contacts with beneficiaries following the eligibility assessment was brought up by VPRS, in light of eligible victims being contacted consecutively by VPRS and TFV within a period of 30 days. During the status conference, the TFV indicated that it required additional time to consider the matter. On 7 May 2026, it therefore requested authorisation to make further submissions on the issue.

¹ *Ongwen* Order for a joint report from the TFV and the VPRS on the notification process, 15 May 2026, [ICC-02/04-01/15-2119](#).

² See *Ongwen* Order for the Registry to submit further information on the VPRS’ request for extension of time, 19 December 2025, [ICC-02/04-01/15-2114](#).

³ *Ongwen* Trust Fund for Victims’ Observations on Registry Request for Extension of Time, 2 February 2026, [ICC-02/04-01/15-2115](#).

5. On 15 May 2026, the Chamber issued the Order, instructing the TFV and the VPRS to file a joint report “presenting proposals on eliminating duplication in the notification process and making the process more efficient”.⁴

III. Joint Submission

6. The TFV and the Registry's VPRS and PIOS have engaged continuously since the issuance of the Reparations Order in the sharing of experiences to strengthen each other's mandates. Bi-monthly meetings have since been held in relation to the case *Ongwen* between TFV, VPRS and PIOS to update on progress, exchange on issues arising and move forward on the planning for common projects, such as outreach messages and the feedback mechanism. In relation to eligibility, which is, according to the Reparations Order, a responsibility of the Registry through VPRS, the TFV and VPRS have explored extensively potential efficiencies on numerous occasions. Notably, since January 2026, in addition to the bi-monthly meetings of 16 March 2026 and 18 May 2026, meetings were held on 24 April 2026, 28 April 2026, 4 May 2026, 25 May 2026, 2 June 2026, and 12 June 2026.

7. The present submission has two parts: A) Considerations and B) Proposals for efficiency. It focuses, on the basis of the Trial Chamber's invitation, on procedural innovations and efficiencies in relation to notifications to victims concerning their eligibility for reparations.

A. Considerations

i. Efficiencies in the notification process and the role of distinct mandates

8. The TFV and the Registry share the view that the current allocation of responsibilities between VPRS and the TFV in the *Ongwen* case is itself a precondition for an efficient reparations process, properly understood. Efficiency is best achieved by ensuring that each actor performs its assigned function well, and that the handover of data between them is as accurate, timely, and complete as possible.

9. The legal framework and the Reparations Order have conferred distinct mandates on different stakeholders for the purposes of implementing reparations in the *Ongwen* case. While the TFV is responsible for the development and implementation of the approved implementation plan,⁵ the Registry's VPRS has been tasked with the identification of not yet

⁴ Order, para. 6.

⁵ Article 75(2) of the Statute, rule 98(3) RPE, Regulations 50(b), 53 *et seq.* of the Trust Fund for Victims, *Ongwen* Reparations Order, paras 797 *et seq.*

identified victims, the assessment of victims who already participated in the trial proceedings as well as newly identified victims, and the notification of victims about the outcome of the VPRS' eligibility process and the handover of contact data to the TFV.⁶

10. Drawing from the approach taken in *The Prosecutor v. Bosco Ntaganda* ('Ntaganda case'),⁷ Trial Chamber IX decided that the eligibility process should be entrusted to the VPRS while the TFV should focus its often-scarce human and financial resources on the delivery of the reparations. The reasoning underlying that decision reflected the importance of ensuring clarity and consistency in the process by entrusting its administrative aspects to the Court's dedicated administrative organ, as well as the imperative to enable the TFV to direct its expertise and resources toward the delivery of reparations rather than administrative processing.⁸

11. The TFV and the Registry are of the view that, in the context of the *Ongwen* case, this allocation is both institutionally coherent and operationally efficient. Specific to the act of notification, both agree with the general principle established by the Chamber that the body that conducted the eligibility assessment of a victim concludes this process by virtue of notifying the individual of the outcome. Furthermore, it has transpired – especially for victims who participated at trial and whom the VPRS therefore has not interviewed recently as to their reparation eligibility⁹ – that notification reveals whether a person found eligible is still alive, still reachable, and whether the underlying data remains sound.

12. It is also agreed that VPRS is operationally well placed to conduct notifications. At the point of notification, VPRS holds the complete application file, has conducted the assessment, and for newly identified victims has the established relationship with the applicant.¹⁰ Notification by VPRS therefore does not require an additional transfer of information before contact can be made. In addition, in the circumstances of the *Ongwen* case, the TFV and the Registry concur that notification should generally occur as soon as possible after the assessment

⁶ See *Ongwen* Reparations Order, paras 808 *et seq.*

⁷ See *Ntaganda* First Decision on the Trust Fund for Victims' Draft Implementation Plan for Reparations, 11 August 2023, ICC-01/04-02/06-2860-Conf, paras 183-185; a public redacted version was filed on 30 August 2023, [ICC-01/04-02/06-2860-Red](#).

⁸ *Ibid.*, paras 180-181.

⁹ *I.e.* the eligibility determination has been made on the basis of the victim's dossier, which has already been on file with the Registry for years, and not pursuant to a recent direct interaction with the beneficiary.

¹⁰ For participating victims, the established relationship comes from the legal representatives at the judicial phase of the case; the VPRS will have received updated contact details from them, where available.

of an applicant's application.¹¹ The 'victim-centred approach' and the '*do no harm*' principles apply throughout the reparations life-cycle, including the eligibility phase.

13. In a case involving nearly 50,000 potential beneficiaries, notification of the outcome of an application may constitute, for a considerable period of time, a victim's principal interaction with the Court's reparative efforts. At the same time, it represents the Court's acknowledgement of the person's harm and suffering. Timely, accurate, and consistent communication therefore carries reparative value in its own right. The Court's outreach and public information activities since the issuance of the Reparations Order have provided clear messages to victims and affected communities as to a timely notification after the assessment of their applications; expectations that are themselves a victim-centred consideration and that the '*do no harm*' principle requires to be respected.

14. The TFV submits that any alternative arrangement, i.e. shifting responsibility for notification to the TFV, would introduce an intermediate handover of data and responsibility prior to notification, creating duplication of effort and increasing data-quality risks. Notification frequently serves to identify issues that may be relevant to the eligibility determination itself, such as where a person is found to be deceased, unreachable, or incorrectly recorded. In such circumstances, the TFV would necessarily need to revert to VPRS for clarification and any required updates to the eligibility records, thereby adding an additional procedural step rather than creating efficiencies.

15. In addition, the TFV and the VPRS are in the process of moving towards a common Information and Data Management System for the reparation implementation stage, which will enhance the expeditious and secure sharing of beneficiary data between the two actors. Once operational, this shared data architecture will significantly improve the quality and speed of the handover between the VPRS and the TFV, reducing the risk of data gaps.

16. This development further strengthens the case for maintaining the current allocation of responsibilities: rather than reorganising functions between actors, the focus lies on improving the infrastructure through which those actors exchange information. The TFV and the VPRS have planned and resourced their activities on the basis of the existing allocation of responsibilities. Any reallocation would require additional financial and human resources for

¹¹ While this premise first and foremost implies the newly identified reparation beneficiaries, it also translates into the requirement for a speedy notification of victims who have already participated at trial.

the TFV as well as a transition period to operationalise. Efficiencies are best achieved by optimising the current framework rather than redistributing responsibilities.

ii. The timing of the notification

17. A further consideration concerns the timing of the notification. In the *Ongwen* case, given the scale of the victim population and that there are limited guarantees that all of the funds required to finance the reparations ordered will be available at the same time, the implementation of reparations will extend over a significant period of time, as also expressed in the Reparations Order. As a consequence, the time that some victims may need to wait before entering the reparations programme will differ considerably from one victim to another. One might consider deferring notification until victims are ready for intake into the programme. However, it would leave victims in limbo for years. They would remain uncertain whether they are included in the reparations programme, while others around them are. Deferring notification in this way would be inconsistent with a '*victim-centred approach*' and risk precisely the kind of harm the '*do no harm*' principle is designed to prevent.

18. Regardless of when notification takes place, the length of the process means that contact data will need to be actively maintained over time, whether by VPRS during the eligibility phase or by the TFV during implementation. These contact points with victims are not a product of inefficiency; they are an unavoidable feature of a process that will span many years and involve nearly 50,000 beneficiaries. The question is therefore not whether to have these contact points, but how to organise them well and ensure that the data they generate is of sufficient quality to be usable throughout the life cycle of implementation. Seen in this light, the most efficient approach is not to reduce the number of actors involved in communicating with victims, but to ensure that each contact point is well-organised, purposeful, and generates data of sufficient quality to serve the next stage of the process. The proposals set out in this submission in Part B) are directed precisely at that goal and should be read as an integrated package of efficiency measures.

iii. The purpose of the TFV's first contact obligation

19. The Reparations Order set out that, upon the VPRS's notification, the TFV shall, within 30 days, reach out to the victims, establishing the TFV's first contact with the victims.¹² The notification on the outcome of the eligibility assessment and the communication to be made by the TFV are distinct, in that the first provides a milestone information for a victim's current

¹² *Ongwen* Reparations Order, para. 810 lit. f.

status (*i.e.* are they eligible or not), whereas the second communication informs of the future (“the steps to follow and the expected timeline for the implementation of reparations”)¹³.

20. In the TFV’s view, the notification by the VPRS constitutes the conclusion of the administrative eligibility process for victims and signifies the point of handover of beneficiary information to the TFV for implementation purposes. The first contact by the TFV is programmatic in nature and is intended as a preparatory step for intake into the reparations programme. It also serves an important practical function: given that implementation will extend over a significant period of time, the first contact, which is envisaged to take place while the contact details recently verified by the VPRS remain current, provides the TFV with an opportunity to verify and update the contact details of eligible victims, and to establish a direct communication channel that can be maintained throughout the life-cycle of implementation. Ensuring that contact data remains accurate and current is essential for the TFV to be able to reach nearly 50,000 beneficiaries over time.

21. At the same time, the value of the TFV’s first contact depends on its timing and substance. A first contact that is too remote from the start of actual delivery risks the contact data obtained and verified by the VPRS through the notification process becoming obsolete by the time the TFV needs to act on it, requiring resources to be allocated again to re-establish contact, as the TFV has observed in the *Lubanga* case.¹⁴ Conversely, a rigid 30-day deadline, as set out in the Reparations Order, following notification does not allow the TFV to calibrate the timing of first contact to the pace of implementation, and results in a contact that, at the current early stage of the programme, cannot yet be substantive for the victim. Victims contacted by the TFV frequently reflected this reality in their responses, expressing understandable expectations for additional information about the reparations programme that the TFV was not yet in a position to provide. The TFV therefore does not propose to eliminate first contact, but rather to have the flexibility to conduct it at a point when it can, ideally, be both meaningful for the victim and operationally effective. This maximises the utility of each contact with the victim and reduces the frequency and need of follow-up communications. In

¹³ *Ongwen* Reparations Order, para. 810 *lit. f.*

¹⁴ In *Lubanga* the TFV’s implementing partner contacted victims found eligible, see *Lubanga* Trust Fund for Victims’ Third Update Report on the implementation of reparations for former child soldiers and for victims of the attacks, including victims in urgent needs, in the *Lubanga* and *Ntaganda* cases, 28 February 2025, ICC-01/04-01/06-3571-Conf-Exp, para. 42; a public redacted version was filed on 2 September 2025, [ICC-01/04-01/06-3571-Red](#); for challenges in identity verification of beneficiaries see *ibid.*, paras 64-65; for victims who cannot be found see *Lubanga* Second Update Report on the implementation of reparations for former child soldiers and for victims of the attacks, including for victims in urgent needs, in the *Lubanga* and *Ntaganda* cases, 28 October 2024, ICC-01/04-01/06-3570-Conf-Exp, paras 69-70; a public redacted version was filed on 19 December 2024, [ICC-01/04-01/06-3570-Red](#).

other words, the first contact should be close enough to the commencement of delivery that the communication can be substantive while the contact data obtained will nevertheless remain reliable.

22. In this regard, it is noted that a prolonged interval between VPRS's notification and TFV's first contact would not leave victims without connection to the process. Sustained outreach efforts over the past two years have ensured that victims and their communities are well informed about the eligibility process, the respective roles of the VPRS, PIOS, and the TFV, and the current status of the reparations programme. The Participatory Mechanism established to support the implementation of the reparations programme further provides an ongoing channel for two-way communication between the TFV and the victim community.¹⁵ These structures mean that flexibility in the timing of the TFV's first contact can be exercised without negatively impacting the victims, provided that outreach efforts are maintained and the Participatory Mechanism remains active and accessible throughout.

iv. Challenges arising from the pilot notification phase

23. The pilot notification phase¹⁶ was directed at victims in dire need, the category of victims prioritised due to their particular fragility. It therefore presented challenges that may not be representative of the notification process as a whole. A particular difficulty arose in relation to former participating victims who had interacted with Court actors primarily through their legal representatives and intermediaries rather than directly with VPRS.

24. Many participating victims in this category had been mobilised through intermediaries. For reasons such as the unavailability or unreliability of direct contact details of victims, their Legal Representatives recorded the contact details of these intermediaries or other close individuals such as neighbours and family members. As such, up-to-date contact details provided by the teams of Legal Representatives for Victims included victims with only intermediary contact details. These details were then used by the VPRS to reach the victims and, in cases the victims were successfully reached, transferred to the TFV with updated contact details obtained during the notification.

25. Of the 671 victims whom VPRS intended to notify in this first phase, 96 could not be reached, and 22 were found to have been deceased prior to notification.

¹⁵ See *Ongwen Trust Fund for Victims' Third Update Report on the implementation of reparations*, 5 May 2026, ICC-02/04-01/15-2118-Conf, paras 38-65; no public redacted version has been filed to date.

¹⁶ See *Ongwen Trust Fund for Victims' Third Update Report*.

26. Where direct contact details could not be obtained or verified during notification, the data transmitted to the TFV made it more time-intensive for the TFV to establish direct communication with the victim during implementation. While contact through family members or neighbours appeared to be, in some circumstances unavoidable and manageable, communication through intermediaries presented particular difficulties. Such intermediaries have played an important role during judicial proceedings but cannot continue as an appropriate channel for the individual communication required during implementation, including intake, service provision, and the payment of symbolic awards. The TFV therefore sought to contact the relevant victims in other ways than through intermediaries. The challenges of the pilot phase are illustrated by the data: of the 560 victims notified and transmitted to the TFV (of which six were found by the TFV to have passed before VPRS notification), approximately 90 remained unreachable, as of the end of May 2026, despite repeated and ongoing contact attempts by TFV staff.

27. The experience of the pilot phase demonstrates that, for victims in particular who have been participating in the judicial proceedings, notification is not merely a communication exercise but an important stage in testing the reliability of contact data and identifying contact issues requiring resolution before implementation. Transferring notification responsibilities to the TFV would not eliminate these challenges. Rather, the TFV would inherit unresolved contact issues arising from a process it did not conduct.

28. For notifications of newly identified victims who have fairly recently been in direct contact with VPRS, these challenges are much less pronounced. Nevertheless, the pilot phase with mostly participating victims highlights the importance of maintaining direct contact details and of establishing clear protocols to address hard-to-reach victims before handover to the TFV.

v. The case for maintaining the current allocation and the efficiency of the proposed measures

29. Having set out the legal framework, the operational context and the challenges encountered in practice, it can be concluded that shifting responsibility for notification, or part thereof, to the TFV would not result in a more efficient process. The reasons for this conclusion have been set out above and are borne out by the experience of the notification pilot phase.

30. The VPRS suggestion during the 30 April 2026 status conference of streamlining the notification of eligible victims in making it a joint activity of VPRS field colleagues and the

TFV¹⁷ was purely guided by the consideration that at the present early stage of implementation the respective messages of VPRS and the TFV¹⁸ could, in the VPRS' view, also be conveyed by one single entity, with a view to generating operational efficiencies. The VPRS thus sought to *primarily* suggest the abolition of the 30 day-deadline for the TFV's first follow-up contact to the eligible victim as presently stipulated in the Reparations Order.¹⁹ The *subsequent* suggestion by VPRS was to "share" the resulting time-gain in making the notification a joint enterprise. The VPRS would have channelled resources thus liberated into its victim identification efforts.

31. The TFV has carefully considered this suggestion. In light of that consideration, the TFV and the Registry agree that, with the optimisation proposed below in Part B), the current allocation constitutes an efficient framework, operating in full compliance with the reparations principles and ensuring that eligibility processing and reparations implementation proceed in balance – each advancing at its own pace while remaining closely coordinated and mutually reinforcing in the interests of victims. The proposals that follow are directed at ensuring that each contact point in the process is well-organised, purposeful, and generates data of sufficient quality to serve the next stage.

B. Proposals for efficiency

32. Against this background, the TFV and the Registry submit the following proposals for the Trial Chamber's consideration. First, they set out measures that have already been agreed between the TFV and the Registry and are being implemented without requiring action by the Chamber. Second, they propose measures that would require the Chamber's intervention.

Agreed measures already being implemented:

33. *Communication to victims about maintaining direct contact details.* It is essential that victims understand the importance of maintaining an active telephone number and notifying the relevant actors of any changes in their contact details. The TFV and the Registry agree that victims should be encouraged, from the earliest stage of the eligibility process, to maintain direct contact details and to notify the relevant actors of any changes. This is important not only for the purposes of reparations implementation but also already during the eligibility process itself, to enable VPRS to reach victims directly for the ensuing notification. Victims should therefore be informed at the outset of the eligibility process of the importance of

¹⁷ *Ongwen* Transcript of the status conference of 30 April 2026, [ICC-02/04-01/15-T-272-ENG](#), p. 10, lines 8-18.

¹⁸ See *Ongwen* Reparations Order, para. 810 *lit. f* and also addressed in more detail further below.

¹⁹ Accordingly see *infra* the related suggestion at para. 36.

maintaining an active telephone number in their own name where possible, and of communicating any changes to their contact details to VPRS. This message should be carried through from the notification to the dossier handover to the TFV, and reinforced through PIOS' outreach activities and messages transmitted through the Participatory Mechanism, so that by the time information is transmitted to the TFV, victims are aware of the need to remain reachable directly throughout the implementation period. The TFV and VPRS note in this regard with appreciation that the Legal Representatives of Victims at the judicial proceedings stage have, upon VPRS's request, already taken such measures over the past months. A further outreach campaign to that effect will nevertheless be necessary to reinforce the messaging beyond the participating victim population and to reach newly identified victims who have no prior connection to the proceedings.

34. *Data quality standards at handover.* The TFV's ability to maintain communication with nearly 50,000 beneficiaries throughout the implementation period depends directly on receiving from VPRS accurate, up-to-date, and where possible direct contact details for each eligible victim at the point of handover. The TFV and the Registry are therefore establishing a protocol on (a) sufficient contact information and how cases with only intermediary contact details should be handled, and (b) necessary and appropriate steps to resolve contact issues.²⁰

35. *Joint protocols for hard-to-reach victims.* As set out above, a number of victims, in particular former participating victims previously reached only through paid intermediaries, present specific challenges for both notification and first contact that require a tailored approach. The TFV and the Registry propose to develop joint protocols for such cases, including by drawing exceptionally on the Participatory Mechanism and community-level outreach to support efforts to re-establish direct contact. Bundling the resources of the VPRS and the TFV in cases identified under such protocols may enable direct contact to be established in a sustainable way, avoiding the TFV inheriting unresolved contact gaps at the point of handover. These protocols are being developed as a matter of priority, given that the volume of hard-to-reach victims will require dedicated attention, while being expected to remain manageable.

²⁰ This includes a common position how to treat victim dossiers where appropriate efforts to contact the person have remained unsuccessful.

Proposals requiring the Chamber's intervention:

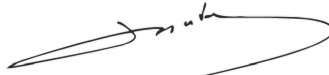
36. *Removal of the 30-day deadline for TFV first contact and inclusion of TFV information in VPRS notifications.* The TFV and the Registry share the view that in the present circumstances, the 30-day deadline for the TFV's first contact is restrictive and does not provide the flexibility required to align communications with the pace of implementation. At the current stage of implementation, certain information intended to prepare victims for the implementation process can be efficiently conveyed by the VPRS as part of its notification. Consequently, it is proposed that

- a. the VPRS include in its notifications to eligible victims relevant information about the TFV's contact details and the current status and expected timeline of the implementation of reparations, as conveyed to the VPRS by the TFV.²¹
- b. the TFV be given flexibility to contact eligible victims thereafter about *concrete* next steps in the delivery of reparations in line with the pace of implementation. This would allow the TFV to conduct first follow-up contact after notification and subsequent handover of the file at a point when it can be both meaningful for the victim and operationally effective, that is, close enough to the commencement of delivery that the communication can be substantive while the contact data obtained will nevertheless remain reliable. As set out above, the TFV may be required to have more than one contact point before the intake of a victim into the programme. The interval between VPRS notification and TFV's first contact does not leave victims without connection to the process in the meantime, given the sustained outreach efforts already undertaken and the ongoing role of the Participatory Mechanism as a channel for two-way communication of the TFV with the victim community.

²¹ This would thus collapse the relevant VPRS notification with the TFV follow-up information under para. 810 *lit. f*, as suggested already during the 30 April 2026 status conference, Transcript ICC-02/04-01/15 , p. 10, line 13.

FOR THE FOREGOING REASONS,

37. The TFV and the Registry, in compliance with the Order, submit for the Chamber's consideration, the above presented submissions and proposals to enhance efficiencies during the notification process.



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



Deborah Ruiz Verduzco
Executive Director, Trust Fund for Victims

Dated this 15 June 2026
At The Hague, The Netherlands