

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-02/04-01/15

Date: 24 June 2026

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***

Public

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

Source: Office of Public Counsel for Victims

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

☐ Common Legal Representatives for Victims

☒ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☒ Trust Fund for Victims

REGISTRY

☒ Registrar

Mr Zavala Giler, Osvaldo

☒ Victims Participation and
Reparations Section

I. PROCEDURAL HISTORY

1. On 28 February 2024, Trial Chamber IX (the “Chamber”) issued the Reparations Order (the “Reparations Order”),¹ directing, *inter alia*, the Registry to complete the identification of potential beneficiaries, the assessment of their eligibility and the notification of the outcome of their application (together the “Administrative Eligibility Process”) *within two years* from the issuance of said Order.²
2. On 31 October 2025, the Registry submitted a Request for Extension of Time (the “Request for Extension of Time”) seeking an unspecified postponement of the deadline to continue the Administrative Eligibility Process.³
3. On 18 December 2025, upon receipt of submissions from Counsel from the Office of Public Counsel for Victims (the “OPCV”),⁴ the Chamber instructed the Registry to provide further information on the Request for Extension of Time.⁵
4. On 2 February 2026, the Registry submitted further information,⁶ and the Trust Fund for Victims (the “TFV”) filed observations on the Request for Extension of Time.⁷
5. On 2 April 2026, the Chamber conveyed a status conference for 30 April 2026 to discuss measures to improve the efficiency of the Administrative Eligibility Process.⁸

¹ See the “Reparations Order” (Trial Chamber IX), [No. ICC-02/04-01/15-2074](#), with Annexes I, II and III, 28 February 2024 (the “Reparations Order”).

² *Ibid*, paras. 810 and 813.

³ See the “Registry Request for Extension of Time”, [No. ICC-02/04/01/15-2111](#), 30 October 2025, paras. 25-26 (the “Request for Extension of Time”).

⁴ See the “CLR’s Response to the Registry Request for Extension of Time”, [No. ICC-02/04-01/15-2113](#), 6 November 2025 (the “CLR’s observations on the Request for Extension of Time”).

⁵ See the “Order for the Registry to submit further information on the VPRS’ request for extension of time” (Trial Chamber IX), [No. ICC-02/04-01/15-2114](#), 18 December 2025.

⁶ See the “Additional Registry Submissions on the Time Extension Request”, [No. ICC-02/04/01/15-2116](#), 2 February 2026.

⁷ See the “Trust Fund for Victims’ Observations on Registry Request for Extension of Time”, [No. ICC-02/04-01/15-2115](#), 2 February 2026.

⁸ See the “Order scheduling a status conference relating to the Registry’s request for extension of time” (Trial Chamber IX), [No. ICC-02/04-01/15-2117](#), 2 April 2026.

6. On 30 April 2026, at the status conference, the Registry indicated that it was facing difficulties in reaching victims who had participated at trial. As a result, it proposed transferring to the TFV part of the Administrative Eligibility Process, specifically the task of notifying victims of the outcome of their applications.⁹ Both the OPCV¹⁰ and the TFV¹¹ expressed reservations regarding this proposal.

7. On 7 May 2026, the TFV, by e-mail, requested authorisation to make additional submissions on the issue of the notification of eligible victims.¹² On the same day, the OPCV, by e-mail, did not oppose the request and sought authorisation to respond to the additional submissions, if granted.¹³

8. On 15 May 2026, the Chamber directed the TFV and the Registry to submit a joint report on the issue of the notification of eligible victims by 15 June 2026, and authorised the OPCV to respond by 25 June 2026.¹⁴

9. On 15 June 2026, the TFV and the Registry submitted their joint report,¹⁵ in which the Registry: (i) provided information concerning the pilot notification phase conducted to date;¹⁶ (ii) acknowledged that the proposal it made during the status conference may not, in fact, enhance efficiency;¹⁷ and (iii) the Registry and the TFV proposed removing the 30-day deadline for the TFV's initial contact with victims following notification of the outcome of their applications.¹⁸

⁹ See the Transcript of hearing held on 30 April 2026, [No. ICC-02/04-01/15-t-272-ENG ET WT](#), page 8, lines 7-25 and page 10, lines 8-24.

¹⁰ *Ibid*, page 25, lines 2-10.

¹¹ *Ibid*, page 18, line 7 to page 20, line 4.

¹² See the email from the TFV to the Chamber dated 7 May 2026 at 13:37.

¹³ See the email from the OPCV to the Chamber dated 7 May 2026, at 16:18.

¹⁴ See the "Order for a joint report from the TFV and the VPRS on the notification process" (Trial Chamber IX), [No. ICC-02/04-01/15-2119](#), 15 May 2026.

¹⁵ See the "Joint submission of the Registry and Trust Fund for Victims on the notification process", [No. ICC-02/04-01/15-2120](#), 15 June 2026.

¹⁶ *Ibid*, paras. 23-28.

¹⁷ *Ibid*, para. 30.

¹⁸ *Ibid*, para. 36.

II. OBSERVATIONS

10. At the outset, Counsel welcomes the Registry's willingness to reconsider its proposal made during the status conference in relation to the notification to the victims of the outcomes of their applications. As emphasised during the hearing,¹⁹ such a proposal would not only infringe on several victims' rights, notably their right to be informed, within a reasonable timeframe, of whether their application was successful, but it would also generate significant operational complications.

11. On the proposed removal of the 30-day deadline, Counsel agrees with the Registry and the TFV's proposal whereby, once victims have been notified by the Registry of the outcome of their application, the TFV will only contact them at a time much closer to the implementation of the reparation measure(s).²⁰ This approach will indeed avoid allocating resources to an unnecessary intermediate step and will ensure that contact is made at a moment that is meaningful both for the victim and from an operational standpoint. Counsel nonetheless underscores the importance that the Registry provides victims with clear focal points to whom they may direct their queries and/or communicate relevant updates, such as change in their location or telephone number.

12. Counsel nevertheless regrets that the Registry has not identified any additional avenue for improving the Administrative Eligibility Process and remains concerned about the anticipated slow pace at which the process is expected to advance.

13. Counsel further notes that a pilot notification phase already took place. In this regard, she expresses serious concern about the fact that said pilot notification phase was undertaken without her being at least informed of it. For the future, Counsel requests to be notified by the Registry – two weeks prior to the commencement of any notification – of the lists of beneficiaries it intends to notify. The reality in the field is

¹⁹ See the Transcript of hearing held on 30 April 2026, [No. ICC-02/04-01/15-t-272-ENG ET WT](#), page 25, lines 6-10.

²⁰ *Ibid*, para. 36.

that, by virtue of the trust relationship built over the past ten years, victims continue to rely on the advice of Counsel. The Field Assistant maintains regular contact with victims and affected communities. In addition, Counsel also maintains communication with lawyers formerly appointed in the case. In the circumstances, it is essential that Counsel be in a position to provide victims with accurate and timely information regarding their status, in order to avoid misinformation and misunderstanding – particularly given that the identification process remains lengthy and the implementation process continues to face uncertainty in its execution.

14. On the issue of updated contact information, Counsel notes that, as already emphasised during the status conference,²¹ she - and the other lawyers formerly appointed in the case - provided the Registry with up-to-date information regarding their clients. However, this information was transmitted some time ago, with the caveat that individuals frequently move from location to location for family, work or other reasons; may change their phone number; and that some victims may have passed away. Given the length of the process for notifying victims of their status, it was entirely foreseeable that difficulties in reaching certain individuals would arise and said challenges cannot be invoked to justify undue delays in the process. In any event, to date, Counsel has not received any request from the Registry concerning victims who could not be contacted. She remains available to support efforts to locate these individuals.

15. On the related issue of a protocol concerning hard-to-reach victims, Counsel requests to be informed of the intended protocol, particularly as its development appears to arise from challenges encountered in contacting victims who participated in the trial. This information is required in order to understand the procedural framework that will govern future outreach efforts, including the criteria to be applied, the respective responsibilities of the actors involved, and the measures envisaged to address anticipated obstacles. Such clarity is necessary to ensure that her own

²¹ *Ibid*, page 8, lines 7-25 and the OPCV clarifications at page 25, lines 4-5.

interactions with victims remain accurate, consistent with Registry's and Trust Fund's practice, and aligned with the trust-based relationships established in the field. Without access to the protocol, Counsel cannot effectively support the process or provide victims with reliable guidance regarding the steps being taken to reach them.

16. Finally, in line with her prior submissions,²² Counsel reiterates that, as in the *Ntaganda* case, any new deadline set by the Chamber must allow for the possibility that additional victims may come forward after the expiry of that deadline.²³ This safeguard is necessary to ensure that victims are not prejudiced by circumstances beyond their control and that the reparations process remains consistent with the principles of inclusivity and fairness.

Respectfully submitted.



Paolina Massidda

Dated this 24th day of June 2026

At The Hague, The Netherlands

²² See the CLRV's observations on the Request for Extension of Time, *supra* note 4, paras. 6-7 and the Transcript of hearing held on 30 April 2026, [No. ICC-02/04-01/15-t-272-ENG ET WT](#), page 27, lines 14-20.

²³ See, in this regard, the Transcript of hearing held on 30 April 2026, [No. ICC-02/04-01/15-t-272-ENG ET WT](#), page 27, lines 5-10. See also, the "Decision on the VPRS' request for extension of time and proposal on the reporting of eligibility determinations" (Trial Chamber II), [No. ICC-01/04-02/06-2933](#), 2 April 2026, para. 17.