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No.: ICC-02/04
Date: **11 January 2024**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Tomoko Akane
Judge Sergio Gerardo Ugalde Godínez

SITUATION IN UGANDA

PUBLIC

**Thirty-Fifth Periodic Report of the Registry on Applications Received by the
Victims Participation and Reparations Section in the Situation in Uganda**

Source: Registry

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

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I. Introduction

1. On 12 March 2012, the Single Judge of Pre-Trial Chamber II (in its previous composition)¹ ordered the Victims Participation and Reparations Section (“VPRS”), following the submission of a comprehensive report on the *status quo* of all victim applications for participation in proceedings received in the Situation in Uganda (“Situation”),² to submit every four months a periodic report on further applications received and the progress made by the VPRS on their assessment under rule 85 of the Rules of Procedure and Evidence (“Rules”).³ The Registry hereby submits its thirty-fifth periodic report in the Situation, covering the period from 9 September 2023 to 10 January 2024.

II. Applicable Law

2. The Registry submits the present report in accordance with article 68(1) and (3) of the Rome Statute, rules 16(1) and 89(1) of the Rules of Procedure and Evidence and regulation 86 of the Regulations of the Court.

III. Submissions

A. Status of applications for participation

3. During the period under review, the VPRS did not conduct any activities aimed at collecting new applications for participation in the situation in Uganda and in the related cases. Thus, it has not received any new applications for participation in the proceedings related to the Situation.

¹ For the current composition of Pre-Trial Chamber II, see Presidency, “Decision replacing a judge in Pre-Trial Chamber II”, 21 February 2023, ICC-02/04-252 and Pre-Trial Chamber II, “Notification of the election of the Presiding Judge”, 23 February 2023, ICC-02/04-253.

² Registry, “Comprehensive report on the *status quo* of all applications received in the Situation in Uganda and on other aspects related to victims' applications for participation in the proceedings”, 11 May 2012, ICC-02/04-193.

³ Pre-Trial Chamber II, “Decision on Victim's Participation in Proceedings Related to the Situation in Uganda”, dated 9 March 2012 and notified on 12 March 2012, ICC-02/04-191, para. 31.

4. To date, 5,424 application forms for participation and/or reparations were received in the Uganda situation and the related cases. In the case of *The Prosecutor v. Dominic Ongwen* ('Ongwen case'), currently at the reparations stage before Trial Chamber IX ("Trial Chamber"), there are 4,096 participating victims.⁴ Following the Trial Chamber's order to this effect,⁵ the VPRS is not currently collecting application forms for reparations in the *Ongwen* case.

B. Activities undertaken by the VPRS in the field

5. Between 16 and 19 October 2023, VPRS staff members from the Country Office and ICC Headquarters conducted a mission in Gulu, Northern Uganda, in order to continue the dialogue and consultations with intermediaries and representatives of victim groups specifically on issues related to reparations in the *Ongwen* case. The VPRS organized interactive sessions with intermediaries and representatives of victims of the attacks on the four internally displaced people ("IDP") camps and victims of thematic crimes (i.e. sexual and gender-based crimes and the conscription and use of child soldiers) for which Mr Ongwen was convicted. The Section also liaised with intermediaries in the Uganda Situation from the Acholi, Lango, Teso and West Nile subregions. A total of 47 participants attended the meetings in person. The main topics addressed were: i) the procedural developments related to reparations in the *Ongwen* case; ii) the probable impact of reparations decisions issued in the case of *the Prosecutor vs. Bosco Ntaganda* ("Ntaganda case") on the reparations-related developments in the *Ongwen* case; iii) strategies for the identification of potential further beneficiaries of reparations in the *Ongwen* case; and iv) procedural developments in the case of *the Prosecutor vs. Joseph Kony* ("Kony case"), alongside other issues related to victims of the Uganda Situation. The

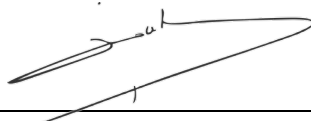
⁴ Trial Chamber IX, "Decision on the Registry Additional Information on Victims", 16 December 2022, ICC-02/04-01/15-2024, para. 18 and fn. 37.

⁵ Trial Chamber IX, "Order for Submissions on Reparations", 6 May 2021, ICC-02/04-01/15-1820, para. 5(iv).

VPRS also took the opportunity to assess the current situation and needs of VPRS intermediaries, as well as its own operational needs for potential future activities.

6. The interlocutors met reiterated that victims' expectations in relation to reparations are high and perhaps not always realistic. They stressed that it is fundamental that accurate and complete information is proactively disseminated by the Court on an ongoing basis in order to ensure that survivors understand the Court's limitations, and that victims' expectations thus remain realistic. Some interlocutors requested that ICC-related information centres are opened in the four IDP camps as well as in other key locations in Northern Uganda. Others emphasized the urgent need for social media platforms (such as WhatsApp groups) that allow for the continuous exchange of information and dialogue between the Court and the victims and representatives of victim communities. Dissatisfaction about the duration of the process leading to the reparations order and the implementation of reparations was also expressed during the meetings. Many voiced their fears that reparations-related litigation similar to the one in the *Ntaganda* case would further delay the start of the implementation of reparations.
7. It was reported that a number of victims of the crimes for which Mr Ongwen was convicted have since died or are currently in extremely poor health with no access to medical assistance. It was therefore emphasized how urgent it is that reparations are awarded and implemented without delay, with the survivors being able to participate meaningfully in the reparations process.
8. Last but not least, questions and concerns were raised about the potentially negative impact and tensions inside the communities in Northern Uganda once victims of the *Ongwen* case would receive reparations, whilst other victims of the LRA conflict - who suffered harm as a result of very similar crimes - would not.

9. During the reporting period, the VPRS also continued to receive phone calls⁶ from victims and other community members from either the IDP camp locations subject to the *Ongwen* Case or the wider situation areas in Uganda, requesting reparations-related information and assistance. A common theme was, as also reported by interlocutors in the meetings above, frustration and disappointment in the wait for implementation of reparations, highlighting that many victims are deceased or dying.
10. The VPRS will keep on conducting its activities aimed at identifying and informing potential reparation beneficiaries in the *Ongwen* case. It will also continue liaising with the Legal Representatives of Victims and the Trust Fund for Victims on reparations and assistance related matters. Finally, the VPRS will follow the procedural developments in the *Kony* case, in order to keep the victim communities informed accordingly, in coordination with the Public Information and Outreach Section.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 11 January 2024

At The Hague, The Netherlands

⁶ During the reporting period approximately 120 calls were received.