

ANNEX 8

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 14 May 2025 09:20
To: VPRS-UGANDA; Office of the Director DJSS
Cc: OTP Kony Communications; D35 Kony Defence team; Kony LRV Team OPCV; Chamber Decisions Communication; Court Management-Court Records; Pre-Trial Chamber III Communications
Subject: ICC-02/04-01/05 - Single Judge order on responses to VPRS inquiry on two issues relating to the processing of applications - public

[ICC] RESTRICTED

Dear Registry,

The Single Judge, having noted the Registry's submission below, considers it appropriate to reclassify it as public and to provide parties and participants with an opportunity to respond, should they so wish.

Responses shall be submitted via email, by no later than **Friday 23 May 2025**.

Thank you and kind regards.

On behalf of Judge Alexis-Windsor, Single Judge

From: [REDACTED]
Sent: 12 May 2025 15:45
To: Pre-Trial Chamber III Communications [REDACTED]
Cc: VPRS-UGANDA [REDACTED]; Office of the Director DJSS [REDACTED]
Subject: KONY - VPRS inquiry on two issues relating to the processing of applications

[ICC] RESTRICTED

Dear Pre-Trial Chamber III,

The Registry kindly seeks the Chamber's guidance in relation to the two matters described below which arose during the processing of the applications, and whether the Chamber considers that these matters can be resolved by way of informal exchange or should be raised by way of a formal filing.

(1) ***Completeness – Age of Maturity***

Certain applications were submitted by minors who do not have a person acting on their behalf ("PAB"). Most of these applicants are former children abducted who allege that they have been victims of the crimes of enslavement, conscripting children under the age of 15 years and using them to participate actively in hostilities as detailed in the amended document containing the charges ("Amended DCC"). In line with the ICC's applicable legal framework, the Registry trained its intermediaries to request, to the extent possible, that applicants below the age of 18 have a parent, relative or legal guardian present their applications on their behalf. The Registry however found in the course of its activities that former abducted children were often not in a position to have a PAB complete their application forms, either because of the sensitive nature of the harm they reported to have suffered, or because they did not have relatives or a legal guardian anymore (for example, the applicant's parents are deceased or have rejected them) or because, for various reasons, they did not want to involve their relatives or legal guardian.

The Registry would thus appreciate the Chamber's guidance on:

(i) whether it may consider as complete an application from a minor who has no PAB, but for whom:

(a) there is enough contextual information in his/her/their file to demonstrate the maturity of the applicant; or

(b) the age at the time of the signature was close to 18 and who have turned 18 since the signature of the application or latest signed supplementary information in the file.

(ii) whether the Chamber would prefer that the Registry raises this matter through a formal submission.

(2) *Deceased applicants*

In its submission dated 8 May 2024 (ICC-02/04-01/05-500), the Registry noted at para. 15 that: "for the recognition of deceased victims of the *Ongwen* case (where a resumption of action has been submitted) as victims in the *Kony* case, the Registry suggests adopting the same approach as in the *Yekatom and Ngaïssona* case. Furthermore, the Registry requests authorization to apply the same approach for any deceased victims in the *Kony* case."

In response, the Chamber (ICC-02/04-01/05-540) stated at para. 64 that "The Chamber finds that the applications from the *Ongwen* case that are to be transferred to this case shall be reassessed anew, following the A-B-C admission procedure. This procedure shall also include applications from deceased victims that have been complemented by a request for resumption of action granted by Trial Chamber IX."

The Registry would like to seek the Chamber's clarification on other deceased victims, who were not participating in the *Ongwen* case. Specifically, and considering the approach taken by previous Chambers on the same question (*Bemba* case, Pre-Trial Chamber III, "Bemba Fourth Decision on Victims' Participation", 12 December 2008, ICC-01/05-01/08-320, paras 47-51; *Al Hassan* case, Pre-Trial Chamber I, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 24 May 2018, ICC-01/12-01/18-37, para. 52; *Yekatom and Ngaïssona* case, Pre-Trial Chamber II, "Decision Establishing the Principles Applicable to Victims' applications for Participation", 5 March 2019, ICC-01/14-01/18-141, para. 36.), the Registry would appreciate the Chamber's guidance on:

(i) whether it may consider as complete an application from a deceased person who has a PAB who is also applying for participation; or

(ii) whether the Chamber would prefer that the Registry raises this matter through a formal submission.

Respectfully,

██████

VPRS