

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/04  
Date: 14 March 2008

**PRE-TRIAL CHAMBER II**

**Before: Judge Mauro Politi, Single Judge**

**Registrar: Mr Bruno Cathala**

**SITUATION IN UGANDA**

**Public redacted version**

**Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06, a/0082/06, a/0084/06 to a/0089/06, a/0091/06 to a/0097/06, a/0099/06, a/0100/06, a/0102/06 to a/0104/06, a/0111/06, a/0113/06 to a/0117/06, a/0120/06, a/0121/06 and a/0123/06 to a/0127/06**

**The Office of the Prosecutor**  
Mr Luis Moreno Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor  
Mr Eric MacDonald, Trial Lawyer

**Ad hoc Counsel for the Defense**  
Ms Michelyne C. Saint-Laurent  
**The Office of Public Counsel for Victims**  
Ms Paolina Massidda

I, Judge Mauro Politi, judge at the International Criminal Court (“the Court”);

NOTING the “Decision designating a Single Judge on victims’ issues”, dated 22 November 2006,<sup>1</sup> whereby Pre-Trial Chamber II (“the Chamber”) designated Judge Mauro Politi as Single Judge responsible for all issues arising in connection with victims’ participation in the proceedings in respect of the situation in Uganda (“the Situation”) and in the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* (“the Case”);

NOTING the victims’ applications for participation in the proceedings, filed by the Registrar in the record of the Situation on 19 June 2006<sup>2</sup> and 17 August 2006,<sup>3</sup> and in the record of the Case on 21 August 2006;<sup>4</sup>

NOTING the *ex parte* reports filed by the Registrar in accordance with rule 89, sub-rule 1, of the Rules of Procedure and Evidence (“the Rules”) and regulation 86, sub-regulation 5, of the Regulations of the Court (“the Regulations”) in the Situation on 16 October 2006,<sup>5</sup> 23 October 2006<sup>6</sup> and 16 November 2006,<sup>7</sup> and in the Case on 4

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<sup>1</sup> ICC-02/04-01/05-130.

<sup>2</sup> Application to participate a/0010/06 (ICC-02/04-22-Conf-Exp).

<sup>3</sup> Application for participation a/0064/06 (ICC-02/04-23-Conf-Exp); Application for participation a/0065/06 (ICC-02/04-24-Conf-Exp); Application for participation a/0066/06 (ICC-02/04-25-Conf-Exp); Application for participation a/0067/06 (ICC-02/04-26-Conf-Exp); Application for participation a/0068/06 (ICC-02/04-27-Conf-Exp); Application for participation a/0069/06 (ICC-02/04-28-Conf-Exp); Application for participation a/0070/06 (ICC-02/04-29-Conf-Exp).

<sup>4</sup> Application for participation a/0010/06 (ICC-02/04-01/05-98-Conf-Exp); Application for participation a/0064/06 (ICC-02/04-01/05-99-Conf-Exp); Application for participation a/0065/06 (ICC-02/04-01/05-100-Conf-Exp); Application for participation a/0066/06 (ICC-02/04-01/05-101-Conf-Exp); Application for participation a/0067/06 (ICC-02/04-01/05-102-Conf-Exp); Application for participation a/0068/06 (ICC-02/04-01/05-103-Conf-Exp); Application for participation a/0069/06 (ICC-02/04-01/05-104-Conf-Exp); Application for participation a/0070/06 (ICC-02/04-01/05-105-Conf-Exp).

<sup>5</sup> Report to Pre-Trial Chamber II on applications a/0010/06, a/0064/06 to a/0070/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, paragraph 5 of the Regulations of the Court (ICC-02/04-30-Conf-Exp).

<sup>6</sup> Report to Pre-Trial Chamber II on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, paragraph 5 of the Regulations of the Court (ICC-02/04-32-Conf-Exp).

September 2006,<sup>8</sup> 16 October 2006,<sup>9</sup> 26 October 2006<sup>10</sup> and 16 November 2006,<sup>11</sup> as well as the victims' applications for participation annexed thereto;

NOTING the *ex parte* supplementary report filed by the Registrar in accordance with rule 89, sub-rule 3, of the Rules and regulation 86, sub-regulation 4, of the Regulations in the record of the Situation on 7 May 2007 ("the Supplementary Report");<sup>12</sup>

NOTING the Single Judge's "Decision on legal representation, appointment of counsel for the defence, protective measures and time-limit for submission of observations on applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06" dated 1 February 2007 ("the 1 February 2007 Decision");<sup>13</sup>

NOTING the Single Judge's "Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06"

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<sup>7</sup> Report to Pre-Trial Chamber II on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, paragraph 5 of the Regulations of the Court (ICC-02/04-33-Conf-Exp).

<sup>8</sup> Report to Pre-Trial Chamber II on application a/0010/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-109-Conf-Exp).

<sup>9</sup> Report to Pre-Trial Chamber II on applications a/0064/06 to a/0070/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-120-Conf-Exp).

<sup>10</sup> Report to Pre-Trial Chamber II on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-123-Conf-Exp).

<sup>11</sup> Report to Pre-Trial Chamber II on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-128-Conf-Exp).

<sup>12</sup> Supplementary Report to Pre-Trial Chamber II on applications a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06, a/0111/06 to a/127/06, and a/0014/07 to a/0020/07 in accordance with Rule 89 paragraph 3 of the Rules of Procedure and Evidence, and Regulation 86 paragraph 4 of the Regulations of the Court (ICC-02/04-96-Conf-Exp).

<sup>13</sup> ICC-02/04-01/05-134.

("the Decision on victims' applications for participation"), filed on 13 August 2007 in the record of the Situation<sup>14</sup> and in the record of the Case;<sup>15</sup>

**NOTING** the "*Report on the identity documents available in the Ugandan legal and administrative system and other supporting documentation for applications for participation in proceedings in Uganda*" with annexes, dated 12 October 2007 and transmitted by the Victims Participation and Reparations Section (the "VPRS") in the form of an Internal Memorandum;

**NOTING** the "*Addendum to 'Report on the identity documents available in the Ugandan legal and administrative system and other supporting documentation for applications for participation in proceedings in Uganda'*", dated 15 February 2008 and transmitted by the VPRS in the form of an Internal Memorandum;

**NOTING** article 68(3) of the Statute of the Court ("the Statute"); rules 87(3), 85, and 89 of the Rules; regulations 86 and 81(4) of the Regulations;

**HEREBY RENDER THIS DECISION:**

*Procedural history*

1. At the time of the 1 February 2007 Decision, 49 applications for participation in the Situation<sup>16</sup> and in the Case<sup>17</sup> (hereinafter collectively referred to as "the

<sup>14</sup> ICC-02/04-100-Conf-Exp; ICC-02/04-101.

<sup>15</sup> ICC-02/04-01/05-251-Conf-Exp; ICC-02/04-01/05-252.

<sup>16</sup> a/0010/06 (ICC-02/04-22-Conf-Exp); a/0064/06 (ICC-02/04-23-Conf-Exp); a/0065/06 (ICC-02/04-24-Conf-Exp); a/0066/06 (ICC-02/04-25-Conf-Exp); a/0067/06 (ICC-02/04-26-Conf-Exp); a/0068/06 (ICC-02/04-27-Conf-Exp); a/0069/06 (ICC-02/04-28-Conf-Exp); a/0070/06 (ICC-02/04-29-Conf-Exp); a/0081/06 (ICC-02/04-32-Conf-Exp-Anx1); a/0082/06 (ICC-02/04-32-Conf-Exp-Anx2); a/0083/06 (ICC-02/04-32-Conf-Exp-Anx3); a/0084/06 (ICC-02/04-32-Conf-Exp-Anx4); a/0085/06 (ICC-02/04-32-Conf-Exp-Anx5); a/0086/06 (ICC-02/04-32-Conf-Exp-Anx6); a/0087/06 (ICC-02/04-32-Conf-Exp-Anx7); a/0088/06 (ICC-02/04-32-Conf-Exp-Anx8); a/0089/06 (ICC-02/04-32-Conf-Exp-Anx9); a/0090/06 (ICC-02/04-32-Conf-Exp-Anx10); a/0091/06 (ICC-02/04-32-Conf-Exp-Anx11); a/0092/06 (ICC-02/04-32-Conf-Exp-Anx12);

Applications”) had been filed with the Chamber on a confidential basis. After several procedural developments,<sup>18</sup> the Single Judge issued the Decision on victims’ applications for participation, in which all the Applications were assessed.

2. In this Decision, the Single Judge took the view that, in principle, the identity of an applicant should be confirmed by a document (i) issued by a recognised public authority; (ii) stating the name and the date of birth of the holder, and (iii) showing a photograph of the holder.<sup>19</sup> With regard to child applicants (i.e.

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a/0093/06 (ICC-02/04-32-Conf-Exp-Anx13); a/0094/06 (ICC-02/04-32-Conf-Exp-Anx14); a/0095/06 (ICC-02/04-32-Conf-Exp-Anx15); a/0096/06 (ICC-02/04-32-Conf-Exp-Anx16); a/0097/06 (ICC-02/04-32-Conf-Exp-Anx17); a/0098/06 (ICC-02/04-32-Conf-Exp-Anx18); a/0099/06 (ICC-02/04-32-Conf-Exp-Anx19); a/0100/06 (ICC-02/04-32-Conf-Exp-Anx20); a/0101/06 (ICC-02/04-32-Conf-Exp-Anx21); a/0102/06 (ICC-02/04-32-Conf-Exp-Anx22); a/0103/06 (ICC-02/04-32-Conf-Exp-Anx23); a/0104/06 (ICC-02/04-32-Conf-Exp-Anx24); a/0111/06 (ICC-02/04-33-Conf-Exp-Anx1); a/0112/06 (ICC-02/04-33-Conf-Exp-Anx2); a/0113/06 (ICC-02/04-33-Conf-Exp-Anx3); a/0114/06 (ICC-02/04-33-Conf-Exp-Anx4); a/0115/06 (ICC-02/04-33-Conf-Exp-Anx5); a/0116/06 (ICC-02/04-33-Conf-Exp-Anx6); a/0117/06 (ICC-02/04-33-Conf-Exp-Anx7); a/0118/06 (ICC-02/04-33-Conf-Exp-Anx8); a/0119/06 (ICC-02/04-33-Conf-Exp-Anx9); a/0120/06 (ICC-02/04-33-Conf-Exp-Anx10); a/0121/06 (ICC-02/04-33-Conf-Exp-Anx11); a/0122/06 (ICC-02/04-33-Conf-Exp-Anx12); a/0123/06 (ICC-02/04-33-Conf-Exp-Anx13); a/0124/06 (ICC-02/04-33-Conf-Exp-Anx14); a/0125/06 (ICC-02/04-33-Conf-Exp-Anx15); a/0126/06 (ICC-02/04-33-Conf-Exp-Anx16); a/0127/06 (ICC-02/04-33-Conf-Exp-Anx17).

<sup>17</sup> a/0010/06 (ICC-02/04-01/05-98-Conf-Exp); a/0064/06 (ICC-02/04-01/05-99-Conf-Exp); a/0065/06 (ICC-02/04-01/05-100-Conf-Exp); a/0066/06 (ICC-02/04-01/05-101-Conf-Exp); a/0067/06 (ICC-02/04-01/05-102-Conf-Exp); a/0068/06 (ICC-02/04-01/05-103-Conf-Exp); a/0069/06 (ICC-02/04-01/05-104-Conf-Exp); a/0070/06 (ICC-02/04-01/05-105-Conf-Exp); a/0081/06 (ICC-02/04-01/05-123-Conf-Exp-Anx1); a/0082/06 (ICC-02/04-01/05-123-Conf-Exp-Anx2); a/0083/06 (ICC-02/04-01/05-123-Conf-Exp-Anx3); a/0084/06 (ICC-02/04-01/05-123-Conf-Exp-Anx4); a/0085/06 (ICC-02/04-01/05-123-Conf-Exp-Anx5); a/0086/06 (ICC-02/04-01/05-123-Conf-Exp-Anx6); a/0087/06 (ICC-02/04-01/05-123-Conf-Exp-Anx7); a/0088/06 (ICC-02/04-01/05-123-Conf-Exp-Anx8); a/0089/06 (ICC-02/04-01/05-123-Conf-Exp-Anx9); a/0090/06 (ICC-02/04-01/05-123-Conf-Exp-Anx10); a/0091/06 (ICC-02/04-01/05-123-Conf-Exp-Anx11); a/0092/06 (ICC-02/04-01/05-123-Conf-Exp-Anx12); a/0093/06 (ICC-02/04-01/05-123-Conf-Exp-Anx13); a/0094/06 (ICC-02/04-01/05-123-Conf-Exp-Anx14); a/0095/06 (ICC-02/04-01/05-123-Conf-Exp-Anx15); a/0096/06 (ICC-02/04-01/05-123-Conf-Exp-Anx16); a/0097/06 (ICC-02/04-01/05-123-Conf-Exp-Anx17); a/0098/06 (ICC-02/04-01/05-123-Conf-Exp-Anx18); a/0099/06 (ICC-02/04-01/05-123-Conf-Exp-Anx19); a/0100/06 (ICC-02/04-01/05-123-Conf-Exp-Anx20); a/0101/06 (ICC-02/04-01/05-123-Conf-Exp-Anx21); a/0102/06 (ICC-02/04-01/05-123-Conf-Exp-Anx22); a/0103/06 (ICC-02/04-01/05-123-Conf-Exp-Anx23); a/0104/06 (ICC-02/04-01/05-123-Conf-Exp-Anx24); a/0111/06 (ICC-02/04-01/05-128-Conf-Exp-Anx1); a/0112/06 (ICC-02/04-01/05-128-Conf-Exp-Anx2); a/0113/06 (ICC-02/04-01/05-128-Conf-Exp-Anx3); a/0114/06 (ICC-02/04-01/05-128-Conf-Exp-Anx4); a/0115/06 (ICC-02/04-01/05-128-Conf-Exp-Anx5); a/0116/06 (ICC-02/04-01/05-128-Conf-Exp-Anx6); a/0117/06 (ICC-02/04-01/05-128-Conf-Exp-Anx7); a/0118/06 (ICC-02/04-01/05-128-Conf-Exp-Anx8); a/0119/06 (ICC-02/04-01/05-128-Conf-Exp-Anx9); a/0120/06 (ICC-02/04-01/05-128-Conf-Exp-Anx10); a/0121/06 (ICC-02/04-01/05-128-Conf-Exp-Anx11); a/0122/06 (ICC-02/04-01/05-128-Conf-Exp-Anx12); a/0123/06 (ICC-02/04-01/05-128-Conf-Exp-Anx13); a/0124/06 (ICC-02/04-01/05-128-Conf-Exp-Anx14); a/0125/06 (ICC-02/04-01/05-128-Conf-Exp-Anx15); a/0126/06 (ICC-02/04-01/05-128-Conf-Exp-Anx16); a/0127/06 (ICC-02/04-01/05-128-Conf-Exp-Anx17).

<sup>18</sup> See the Decision on victims’ applications for participation, para. 4.

<sup>19</sup> *Ibid.*, para. 16.

individuals not having attained 18 years of age), the Single Judge requested the VPRS to submit a report indicating from what age individuals could obtain, in the Ugandan legal and administrative system, documents of identity (i) issued by a recognised public authority; (ii) stating the name and the date of birth of the holder, and (iii) showing a photograph of the holder.<sup>20</sup> The VPRS was also requested to provide information within the same report about the existence and obtainability, in the Ugandan legal or administrative system, of documents establishing the link between a child and a member of his or her family, such as birth certificates or other types of documents.<sup>21</sup> Consequently, decision on the applications found to be deficient because they do not provide adequate proof of identity of the applicant was deferred until such time as adequate proof of identity was submitted or a report by the VPRS was made available to the Single Judge.<sup>22</sup>

3. On 12 October 2007, in accordance with the Decision on victims' applications for participation, the Single Judge received, in the form of an Internal Memorandum, the "*Report on the identity documents available in the Ugandan legal and administrative system and other supporting documentation for applications for participation in proceedings in Uganda*" submitted by the VPRS (the "Report"). It provides significant information about identification documents existing in Uganda. Accordingly, the Report should be filed in the record of the Situation and in the record of the Case. However, since a number of footnotes in the Report as well as annexes 1 and 2 thereto contain samples of identification documents belonging to actual applicants or the names of individuals interviewed by the VPRS whose consent to their names being published has not been obtained,<sup>23</sup> the Single Judge is of the view that they must be redacted. Annexes 1 and 2, in particular, shall be filed as confidential, available only to the VPRS. This will guarantee the security and safety of the applicants as well as of the individuals interviewed by the VPRS.

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<sup>20</sup> *Ibid*, para. 20.

<sup>21</sup> *Ibid*.

<sup>22</sup> *Ibid.*, para. 21.

<sup>23</sup> See the "Addendum to 'Report on the identity documents available in the Ugandan legal and administrative system and other supporting documentation for application for participation in proceedings in Uganda'".

*Proof of identity of the applicants*

4. According to the Report, the lack of proper identification documents of people in Uganda, particularly in rural areas, constitutes a “major problem”.<sup>24</sup> Since no official identity cards are issued by the Government of Uganda, various documents issued by different governmental authorities serve in practice as proof of identity, such as voter cards issued by the Electoral Commission, birth certificates issued by the Uganda Registration Services Bureau, driving permits administered by the Uganda Police Forces or residents permits issued by local councils.<sup>25</sup> In addition, Ugandans “commonly rely on non-official documents such as identity cards issued by workplaces or educational establishments, letters from local authorities, or cards issued by humanitarian relief agencies” to prove their identity.<sup>26</sup> The Report also indicates that the procedures for obtaining identification documents are “lengthy, expensive and difficult”,<sup>27</sup> and describes the infrastructure for producing formal documentation as “underdeveloped”.<sup>28</sup> As a result, applicants face “enormous difficulties” and “often insurmountable logistical, economic and other obstacles” when they try to obtain identification documents to support their applications.<sup>29</sup>
  
5. The Report points out that only three types of documents in the Ugandan legal and administrative system fulfil all the requirements set out in the Decision on victims’ applications for participation: passports, driving licences, and voter cards, the first two being “found extremely rarely among the population of Northern Uganda”.<sup>30</sup> With regard to passports, the Report specifies that the number of citizens issued with passports appears to be “limited to the elite and business classes who frequently travel out of the country”.<sup>31</sup> Several reasons seem to

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<sup>24</sup> The Report, para. 10.

<sup>25</sup> *Ibid.*, para. 8.

<sup>26</sup> *Ibid.*, para. 9.

<sup>27</sup> *Ibid.*, para. 10.

<sup>28</sup> *Ibid.*, para. 78.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*, para. 76.

<sup>31</sup> *Ibid.*, para. 15.

explain why this is so, in particular the high cost of a passport, which “puts it out of reach for many Ugandans”, and the need to travel to Kampala to obtain one, which further increases the costs because of travel and accommodation expenses.<sup>32</sup> Nor are driving licences a common form of identification, since “most [of the people] cannot afford to buy a car or pay the required processing fees”.<sup>33</sup> In respect of voter cards, the report underlines that although this kind of document “has increasingly come to be relied upon as a means of identification by Ugandans”,<sup>34</sup> it is “by no means universal”:<sup>35</sup> people in Northern Uganda appear to face difficulties in obtaining such a card, particularly because of problems in the registration and verification process and a lack of measures to advertise and encourage registration.<sup>36</sup>

6. As stated in the Decision on victims’ applications for participation,<sup>37</sup> the profound impact which the right to participate may have on the parties and, ultimately, on the overall fairness of the proceedings means that the applicants must submit a proper proof of their identity. However, in light of the information contained in the Report, showing that the majority of actual and potential applicants in Northern Uganda are unable to meet the requirements set out in the Decision on victims’ applications for participation, the Single Judge is of the view that these requirements must be lowered and adapted to the factual circumstances in the region. Consequently, the Single Judge endorses the recommendation of the VPRS that “alternative means be devised for proving identity”,<sup>38</sup> and will accept, as proof of identity of the applicants, any of the following documents: (i) passport, (ii) voter card, (iii) certificate of registration issued by the Electoral Commission, (iv) driving permits, (v) graduated tax ticket, (vi) “short” birth certificate or “long” birth certificate, (vii) birth notification card, (viii) certificate of amnesty, (ix)

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<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*, para. 24.

<sup>34</sup> *Ibid.*, para. 19.

<sup>35</sup> *Ibid.*, para. 76.

<sup>36</sup> *Ibid.*, para. 21.

<sup>37</sup> Decision on victims’ applications for participation, para. 16.

<sup>38</sup> The Report, para. 79.

resident permit or card issued by a Local Council, (x) identification letter issued by a Local Council, (xi) letter issued by a leader of an IDP Camp, (xii) "Reunion letter" issued by the Resident District Commissioner, (xiii) identity card issued by a workplace or an educational establishment, (xiv) camp registration card and card issued by humanitarian relief agencies, such as the United Nations High Commissioner for Refugees and the World Food Programme, (xv) baptism card, (xvi) letter issued by a Rehabilitation Centre.

*Applications presented by someone other than the victim*

7. Rule 89(3) of the Rules states that an application for participation in the proceedings may also be made by a person acting with the consent of the victim, or a person acting on behalf of a victim, in the case of a victim who is a child, or, when necessary, a victim who is disabled. In this case, regulation 86(2)(a) of the Regulations requires that the identity and address of that person be indicated in the application. An application presented by someone other than the victim which does not satisfy this requirement will therefore not be considered sufficient for participation purposes. The Single Judge also wishes to specify that both the identity of the applicant and the identity of the person acting with his or her consent or on his or her behalf must be confirmed by one of the above listed documents.<sup>39</sup> Finally, following the practice of Pre-Trial Chamber I,<sup>40</sup> the Single Judge is of the view that the link existing between a child applying for participation and the person acting on his or her behalf (kinship, guardianship, or legal guardianship) as well as the link existing between a disabled applicant and the person acting on his or her behalf (legal guardianship) should be confirmed by a document attached to the application as supporting documentation within the meaning of regulation 86(2)(e) of the Regulations. In accordance with the findings of the Report, the Single Judge will accept as proof of such link any of the following documents: (i) "short" birth certificate or "long" birth certificate, (ii)

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<sup>39</sup> See above, para. 6.

<sup>40</sup> "Decision on the Requests of the Legal Representative of Applicants on application process for victims' participation and legal representation", ICC-01/04-374, para. 13.

birth notification card, (iii) baptism card, (iv) letter issued by a Rehabilitation Centre, (v) letter from a local Council, (vi) affidavit sworn before a Magistrate or Commissioner of Oaths.

*Analysis of the applications*

8. In light of the foregoing, the Single Judge will now review the applications for which a decision has been deferred because of deficiencies affecting the proof of the identity of the applicant, and will assess the merits of those applications meeting the requirements set out above. As explained in the Decision on victims' applications for participation,<sup>41</sup> since rule 85(a) of the Rules is the relevant provision against which the merits of each of the applications must be assessed, the Single Judge will undertake this assessment by analysing (i) whether the identity of the applicant as a natural person appears duly established; (ii) whether the events described by each applicant constitute a crime within the jurisdiction of the Court; (iii) whether the applicant claims to have suffered harm; and (iv) most crucially, whether such harm appears to have arisen "as a result" of the event constituting a crime within the jurisdiction of the Court. As regards the method of examination and the required standard of proof,<sup>42</sup> all the factors identified as relevant for the definition of victim provided by rule 85 of the Rules are to be proved to a level which might be considered satisfactory for the limited purposes of that rule. Each statement by applicant victims will therefore first and foremost be assessed on the merits of its intrinsic coherence, as well as on the basis of information otherwise available to the Chamber.
9. The Single Judge also wishes to recall that when applicants refer to incidents that are not included in the warrants of arrest issued in the Case,<sup>43</sup> the statements made in support of their claim need to be corroborated by sufficient information from other sources (particularly, but not exclusively, United Nations ("U.N.") and Non-

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<sup>41</sup> See the Decision on victims' applications for participation, paras. 11, 12.

<sup>42</sup> *Ibid.*, paras. 13-15.

<sup>43</sup> "Warrant of Arrest for Joseph Kony issued on 8 July 2005 as amended on 27 September 2005" (ICC-02/04-01/05-53), "Warrant of Arrest for Vincent Otti" (ICC-02/04-01/05-54), "Warrant of Arrest for Okot Odhumbo" (ICC-02/04-01/05-56), "Warrant of Arrest for Dominic Ongwen" (ICC-02/04-01/05-57).

Governmental Organisations reports), confirming at least to a high degree of probability the occurrence of the incidents related by the applicants, both in temporal and territorial terms.<sup>44</sup> In the absence of such information, the Single Judge would request the VPRS to submit, within a given period of time, an additional report containing any other elements that could corroborate the statement of the victim concerned.

*Applications relating to the Case*

*The two groups of applications relating to the Case*

10. The applications relating to the Case fall into two main groups: those relating to incidents which allegedly occurred at [REDACTED] IDP Camp and those relating to incidents which allegedly occurred at [REDACTED] IDP Camp. For the sake of clarity, the Single Judge will address applications relating to the same incident together, irrespective of the number they have been assigned and/or their date of submission.

*Applicant a/0010/06 ([REDACTED] IDP Camp)*

11. Application a/0010/06 is submitted by a [REDACTED] woman of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] of the person acting with her consent ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the identity of the applicant.

*Applicant a/0097/06 ([REDACTED] IDP Camp)*

12. Application a/0097/06 is submitted by a [REDACTED] boy of Ugandan nationality and is supported by proof of identity consisting of [REDACTED]<sup>45</sup> of the person acting on his behalf ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single

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<sup>44</sup> See the Decision on victims' applications for participation, para. 106.

<sup>45</sup> Referred to in the Report as [REDACTED].

Judge receives adequate proof of the identity of the applicant and of the link with the person acting on his behalf.

*Applicant a/0081/06 ([REDACTED] IDP Camp)*

13. Application a/0081/06 is submitted by an [REDACTED] girl of Ugandan nationality and is supported by proof of identity consisting of [REDACTED] and [REDACTED]<sup>46</sup> of the person acting on her behalf ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the identity of the applicant and of the link with the person acting on her behalf.

*Applicant a/0094/06 ([REDACTED] IDP Camp)*

14. Application a/0094/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>47</sup> [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0094/06 as a natural person are duly established.
15. Applicant a/0094/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. He alleges that, in [REDACTED] of [REDACTED] 2004, while he was sitting in the [REDACTED] IDP Camp, "the LRA rebels came and began to attack" the barracks hosting the Uganda People's Defence Forces ("UPDF") and eventually prevailed due to their being "big in number". Some UPDF soldiers instructed people to enter inside the houses. Immediately after, the attackers started "burning the camp, beating, shooting, pounding". Applicant a/0094/06 says that as his [REDACTED] had not run away, she was killed, and that a bullet hit his [REDACTED]. As a result of these events, he claims that he is [REDACTED] and has lost [REDACTED]. He also alleges that he lost his [REDACTED] along with his house and his belongings. He indicates the LRA fighters as being responsible for the attack.

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<sup>46</sup> Referred to in the Report as [REDACTED].

<sup>47</sup> Referred to in the Report as [REDACTED].

16. In support of his statements, Applicant a/0094/06 names three individuals (who died during the events) as victims of the same incidents and two individuals as witnesses, one being presented as [REDACTED]. Applicant a/0094/06 alleges that he lost most of his medical reports and is unable to obtain copies from the relevant hospital.
17. The alleged events appear to fall within the jurisdiction of the Court, as follows: *ratione temporis*, since they occurred after the entry into force of the Statute and its ratification by Uganda; *ratione loci*, since they occurred at [REDACTED] IDP Camp, [REDACTED] District, Uganda;<sup>48</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular, under article 7, paragraph 1(a), and/or article 7, paragraph 1(k) and/or article 8, paragraph 2(e)(i), and/or article 8, paragraph 2(e)(v).
18. The incidents related by Applicant a/0094/06 also appear to be included in the warrants of arrest issued in the Case. In July 2005, the Chamber found that there were reasonable grounds to believe that “on [REDACTED] 2004, an armed group attacked the [REDACTED] IDP Camp, also known as the [REDACTED] IDP Camp, in the [REDACTED] District, [REDACTED]<sup>49</sup> and started shooting at and hacking civilians; that the attack resulted in [REDACTED] houses being burnt and the [REDACTED]”. It recalled that, according to the sources submitted by the Prosecutor (in particular, Ugandan authorities and local hospital records), the attack resulted in the death of [REDACTED] civilians, including children and women, as well as the wounding of [REDACTED] civilians.<sup>50</sup> Counts 16, 17, 18 and 19 of the warrant of arrest for Joseph Kony, Vincent Otti and Okot Odhiambo list respectively “murder at [REDACTED] IDP Camp constituting crimes against humanity” under articles 7, paragraph 1(a), and 25, paragraph 3(b); “murder at [REDACTED] IDP Camp constituting war crimes” under articles 8, paragraph

<sup>48</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>49</sup> [REDACTED].

<sup>50</sup> “Warrant of Arrest for Joseph Kony issued on 8 July 2005 as amended on 27 September 2005” (ICC-02/04-01/05-53), para. 21; “Warrant of Arrest for Vincent Otti” (ICC-02/04-01/05-54), para. 22; “Warrant of Arrest for Okot Odhiambo” (ICC-02/04-01/05-56), para. 17.

2(c)(i) and 25, paragraph 3(b), of the Statute; “attack against the civilian population at [REDACTED] IDP Camp constituting war crimes” under articles 8, paragraph 2(e)(i) and 25, paragraph 3(b), of the Statute; and “pillaging at [REDACTED] IDP Camp constituting war crimes” under articles 8, paragraph 2(e)(v) and 25, paragraph 3(b), of the Statute. Accordingly, the Single Judge deems that, for the purposes of the present decision, the facts alleged by Applicant a/0094/06 appear to be supported by adequate evidence.

19. The physical injuries alleged by Applicant a/0094/06 might reasonably be the result of being shot at. Accordingly, they appear to constitute physical harm within the meaning of rule 85 of the Rules. Applicant a/0094/06 also appears to have suffered economic loss, as all his belongings were burnt, as well as emotional harm due to the loss of his [REDACTED].
20. In light of the above, the Single Judge is satisfied that Applicant a/0094/06 meets all the requirements set forth under rule 85 of the Rules in respect of the Case and, accordingly, should be granted the status of victim in the Case.

*Applicant a/0095/06 ([REDACTED] IDP Camp)*

21. Application a/0095/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>51</sup> [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0095/06 as a natural person are duly established.
22. Applicant a/0095/06 is a member of the [REDACTED] tribe and is currently living in [REDACTED]. He alleges that, at around [REDACTED] on [REDACTED] 2004, “a group of LRA fighters led by [REDACTED]” attacked the [REDACTED] IDP Camp, where he had been [REDACTED]. The group started shooting the barracks hosting the UPDF, where “a fierce battle broke”. Since their number was “as five times as that of the UPDF”, they defeated the UPDF soldiers and then proceeded to the camp where they started “firing at every human being except their own fighters”, killing a number of civilians and setting all the houses ablaze after

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<sup>51</sup> Referred to in the Report as [REDACTED].

having ordered people to enter their houses. Although Applicant a/0095/06 managed to move to the side of a building, a piece of burning log fell on his [REDACTED]. As a result of these events, he alleges that he sustained a serious burn on his [REDACTED] which remains [REDACTED] and continues to [REDACTED] periodically. He claims to be “much traumatised” as a result of seeing all his neighbours being killed and alleges to have lost his house and all the items in it because of the fire.

23. In support of his statements, Applicant a/0095/06 names one individual ([REDACTED]) as a victim of and witness to the same incidents. Applicant a/0095/06 does not provide any document in support of the injuries he allegedly sustained.
24. The alleged events appear to fall within the scope of the jurisdiction of the Court, as follows: *ratione temporis*, since they took place after the entry into force of the Statute and its ratification by Uganda; *ratione loci*, since they occurred at [REDACTED] IDP Camp, [REDACTED] District, Uganda;<sup>52</sup> and *ratione materiae*, since the recounted facts may amount to several crimes provided under the Statute, in particular articles 7, paragraph 1(a), and/or 7, paragraph 1(k) and/or 8, paragraph 2(e)(i), and/or 8, paragraph 2(e)(v).
25. The incidents related by Applicant a/0095/06 also appear to be included in the warrants of arrest issued in the Case.<sup>53</sup> Accordingly, the Single Judge deems that, for the purposes of the present decision, the facts alleged by Applicant a/0095/06 appear to be supported by adequate evidence.
26. Both the physical injuries and the psychological trauma alleged by Applicant a/0095/06 might reasonably be the result of exposure to burning and witnessing events of an exceedingly violent and shocking nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. He also appears to have suffered economic loss.

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<sup>52</sup> Due to the alternative set forth under article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>53</sup> See above, para. 18.

27. In light of the above, the Single Judge is satisfied that Applicant a/0095/06 meets all the requirements set forth under rule 85 of the Rules in respect of the Case and, accordingly, should be granted the status of victim in the Case.

*Applicant a/0100/06 ([REDACTED] IDP Camp)*

28. Application a/0100/06 is submitted by a [REDACTED] girl of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED]<sup>54</sup> of the person acting on her behalf ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the identity of the applicant and of the link with the person acting on her behalf.

*Applicant a/0103/06 ([REDACTED] IDP Camp)*

29. Application a/0103/06 is submitted by a [REDACTED] woman of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED].<sup>55</sup> Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0103/06 as a natural person are duly established.
30. Applicant a/0103/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. She alleges that, at [REDACTED] on [REDACTED] 2004, “[REDACTED] and his group” attacked the [REDACTED] IDP Camp. She states that there were as many as [REDACTED] attackers and that after attacking the barracks hosting the UPDF, whom they defeated, they started firing at residents of the camp and burning their houses. At the time, she was eating at a friend’s house, which also came under attack and Applicant a/0103/06 was shot at. As a consequence, she was trucked by a bullet in her [REDACTED], before the house was set on fire. She escaped through the fire to a nearby thicket, where she was rescued and taken first to [REDACTED] and then to [REDACTED] hospital. As a result of these events, she claims that her [REDACTED] is [REDACTED] and still painful, that her [REDACTED] was murdered and that she

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<sup>54</sup> Referred to in the Report as [REDACTED].

<sup>55</sup> Referred to in the Report as [REDACTED].

lost all her belongings. She estimates that about [REDACTED] people died in the attack.

31. In support of her statements, Applicant a/0103/06 names one individual as a victim of the same incidents and two individuals as witnesses ([REDACTED]). Applicant a/0103/06 does not provide any document in support of the injuries she allegedly sustained.
32. The alleged events appear to fall within the scope of the jurisdiction of the Court, as follows: *ratione temporis*, since they took place after the entry into force of the Statute and its ratification by Uganda; *ratione loci*, since they occurred at [REDACTED] IDP Camp, [REDACTED] District, Uganda;<sup>56</sup> and *ratione materiae*, since the recounted facts may amount to several crimes provided under the Statute, in particular articles 7, paragraph 1(a), and/or 7, paragraph 1(k) and/or 8, paragraph 2(e)(i), and/or 8, paragraph 2(e)(v).
33. The incidents related by Applicant a/0103/06 also appear to be included in the warrants of arrest issued in the Case.<sup>57</sup> Accordingly, the Single Judge deems that, for the purposes of the present decision, the facts alleged by Applicant a/0103/06 appear to be supported by adequate evidence.
34. The physical injuries alleged by Applicant a/0103/06 might reasonably be the result of being shot at. Accordingly, they appear to constitute physical harm within the meaning of rule 85 of the Rules. Applicant a/0103/06 also appears to have suffered economic loss, as she lost all her belongings, as well as emotional harm, due to the loss of her [REDACTED].
35. In light of the above, the Single Judge is satisfied that Applicant a/0103/06 meets all the requirements set forth under rule 85 of the Rules in respect of the Case and, accordingly, should be granted the status of victim in the Case.

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<sup>56</sup> Due to the alternative set forth under article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>57</sup> See above, para. 18.

*Applicant a/0111/06 ([REDACTED] IDP Camp)*

36. Application a/0111/06 is submitted by an [REDACTED] girl of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED]<sup>58</sup> of the person acting on her behalf ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of identity of the applicant and of the link with the person acting on her behalf.

*Applicant a/0113/06 ([REDACTED] IDP Camp)*

37. Application a/0113/06 is submitted by an [REDACTED] girl of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED] and [REDACTED]<sup>59</sup> of the person acting on her behalf ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of identity of the applicant and of the link existing with the person acting on her behalf.

*Applicant a/0116/06 ([REDACTED] IDP Camp)*

38. Application a/0116/06 is submitted by a [REDACTED] girl of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED] to the person acting on her behalf ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of identity of the applicant and of the link with the person acting on her behalf.

*Applicant a/0117/06 ([REDACTED] IDP Camp)*

39. Application a/0117/06 is submitted by an [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>60</sup> of the applicant. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0117/06 as a natural person are duly established.

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<sup>58</sup> Referred to in the Report as [REDACTED].

<sup>59</sup> Referred to in the Report as [REDACTED].

<sup>60</sup> Referred to in the Report as [REDACTED].

40. Applicant a/0117/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. Among other allegations that appear to fall beyond the scope of the Case, he alleges that in [REDACTED] of [REDACTED] 2004, the LRA rebels started to attack the [REDACTED] IDP Camp, "shooting innocent civilians and burning some in their small huts". He indicates that over [REDACTED] residents of the camp were killed during the attack and alleges that his house and all his property and documents were burnt.
41. In support of his statements, Applicant a/0117/06 names two individuals as victims of the same incidents and three individuals as witnesses. One of them is [REDACTED], who also claims to be a victim of the attack on the [REDACTED] IDP Camp and provides a description of the incidents consistent with the statement of Applicant a/0117/06. Applicant a/0117/06 does not submit any document in support of the loss he allegedly suffered.
42. The alleged events appear to fall within the jurisdiction of the Court, as follows: *ratione temporis*, since they occurred after the entry into force of the Statute and its ratification by Uganda; *ratione loci*, since they occurred at [REDACTED] IDP Camp, [REDACTED] District, Uganda;<sup>61</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular, under article 7, paragraph 1(k) and/or article 8, paragraph 2(e)(i), and/or article 8, paragraph 2(e)(v).
43. The incidents related by Applicant a/0117/06 also appear to be included in the warrants of arrest issued in the Case.<sup>62</sup> Accordingly, the Single Judge deems that, for the purposes of the present decision, the facts alleged by Applicant a/0117/06 appear to be supported by adequate evidence.
44. The destruction of all of Applicant a/0117/06's belongings might reasonably be the result of the attack on the [REDACTED] IDP Camp. Accordingly, Applicant

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<sup>61</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>62</sup> See above, para. 18.

a/0117/06 appears to have suffered economic loss within the meaning of rule 85 of the Rules.

45. In light of the above, the Single Judge is satisfied that Applicant a/0117/06 meets all the requirements set forth under rule 85 of the Rules in respect of the Case and, accordingly, should be granted the status of victim in the Case.

*Applicant a/0120/06 ([REDACTED] IDP Camp)*

46. Application a/0120/06 is submitted by a [REDACTED] woman of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>63</sup> [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0120/06 as a natural person are duly established.
47. Applicant a/0120/06 is a member of the [REDACTED] tribe. She was [REDACTED] and is currently living in [REDACTED]. Among other allegations that appear to fall beyond the scope of the Case, she alleges that, at around [REDACTED] on [REDACTED] 2004, soldiers whom she identifies as LRA fighters started shooting at civilians in the [REDACTED] IDP Camp. She hid under her bed in her house, which was set on fire by the attackers attempting to find her. When the temperature inside the house became too hot, she ran outside with her [REDACTED] and was captured by the soldiers. She was then ordered under threat of death to leave her [REDACTED] and follow them up to the village of [REDACTED], with [REDACTED] other individuals captured in the course of the attack. Applicant a/0120/06 claims that all her belongings were burnt during the attack.
48. In support of her statements, Applicant a/0120/06 names two individuals as victims of the same incidents and two individuals as witnesses. Applicant a/0120/06 does not provide any document in support of the loss she allegedly suffered.

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<sup>63</sup> Referred to in the Report as [REDACTED].

49. The alleged events appear to fall within the scope of the jurisdiction of the Court, as follows: *ratione temporis*, since they took place after the entry into force of the Statute and its ratification by Uganda; *ratione loci*, since they occurred in [REDACTED] IDP Camp, [REDACTED] District, Uganda;<sup>64</sup> and *ratione materiae*, since the recounted facts may amount to several crimes provided under the Statute, in particular 8, paragraph 2(e)(v).
50. The incidents related by Applicant a/0120/06 also appear to be included in the warrants of arrest issued in the Case.<sup>65</sup> Accordingly, the Single Judge deems that, for the purposes of the present decision, the facts alleged by Applicant a/0120/06 appear to be supported by adequate evidence.
51. The destruction of all of Applicant a/0120/06's belongings might reasonably be the result of the attack on the [REDACTED] IDP Camp. Accordingly, Applicant a/0120/06 appears to have suffered economic loss within the meaning of rule 85 of the Rules. She also appears to have suffered emotional harm, due to the loss of her [REDACTED].
52. In the light of the above, the Single Judge is satisfied that Applicant a/0120/06 meets all the requirements set forth under rule 85 of the Rules in respect of the Case and, accordingly, should be granted the status of victim in the Case.

*Applicant a/0121/06 ([REDACTED] IDP Camp)*

53. Application a/0121/06 is submitted by a [REDACTED] boy of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>66</sup> [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0121/06 and of the person acting on his behalf as natural persons are duly established.
54. Applicant a/0121/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. He alleges that, in the [REDACTED] of

<sup>64</sup> Due to the alternative set forth under article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>65</sup> See above, para. 18.

<sup>66</sup> Referred to in the Report as [REDACTED].

[REDACTED] 2004, when he was playing outside at the [REDACTED] IDP Camp, “a group of [REDACTED] LRA fighters came and attacked the camp”. He heard a whistle blow from the army barracks and then gunshots coming towards the camp. The army shouted that everybody should enter their houses, which he did with the friends he was playing with. Immediately after that, the attackers set his house on fire and started shooting inside. [REDACTED] of his friends were shot dead. As the house became too hot, the applicant decided to run outside. While he was trying to hide, the fighters started shooting at him. The woman he was following was shot and fell on him. Applicant a/0121/06 continued to run, hid in a nearby thicket, and the next day, managed to join his [REDACTED] in [REDACTED]. As a result of these events, Applicant a/0121/06 claims to suffer from a [REDACTED] as he was burnt by ashes which fell on him when he was hiding in his house, and from “a lot of psychological torture” since he saw his friends being killed. He further states that all the family resources were burnt during the attack, that being [REDACTED] and currently forced to live in [REDACTED] has traumatised him and that his education has been interrupted.

55. In support of his statements, Applicant a/0121/06 names two individuals as victims of the same incidents and two individuals as witnesses ([REDACTED], who was not in the camp during the attack). Although Applicant a/0121/06 states that he received medical treatment at the [REDACTED], he does not submit any document in support of the injuries he allegedly sustained.
56. The alleged events appear to fall within the scope of the jurisdiction of the Court, as follows: *ratione temporis*, since they took place after the entry into force of the Statute and its ratification by Uganda; *ratione loci*, since they occurred at [REDACTED] IDP Camp, [REDACTED] District, Uganda;<sup>67</sup> and *ratione materiae*, since the recounted facts may amount to several crimes provided under the Statute, in particular articles 7, paragraph 1(a), and/or 7, paragraph 1(k) and/or 8, paragraph 2(e)(i), and/or 8, paragraph 2(e)(v).

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<sup>67</sup> Due to the alternative set forth under article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

57. The incidents related by Applicant a/0121/06 also appear to be included in the warrants of arrest issued in the Case.<sup>68</sup> Accordingly, the Single Judge deems that, for the purposes of the present decision, the facts alleged by Applicant a/0121/06 appear to be supported by adequate evidence.
58. The physical injuries and psychological trauma alleged by Applicant a/0121/06 might reasonably be the result of exposure to fire and witnessing events of an exceedingly violent and shocking nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. Applicant a/0121/06 also appears to have suffered economic loss.
59. In light of the above, the Single Judge is satisfied that Applicant a/0121/06 meets all the requirements set forth under rule 85 of the Rules in respect of the Case and, accordingly, should be granted the status of victim in the Case.

*Applicant a/0123/06 ([REDACTED] IDP Camp)*

60. Application a/0123/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED].<sup>69</sup> Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0123/06 as a natural person are duly established.
61. Applicant a/0123/06 is a member of the [REDACTED] tribe and is currently living in [REDACTED]. Among other allegations which appear to fall beyond the scope of the Case, he alleges that, in the [REDACTED] of [REDACTED] 2004, LRA fighters under the command of [REDACTED] launched a “murder attack” against the [REDACTED] IDP Camp, where he had been previously [REDACTED]. During the attack, his [REDACTED] was killed and all his properties were burnt. As he was forced to watch all the atrocities committed by the attackers, Applicant a/0123/06 claims that he suffered from “psychological torture”.
62. In support of his statements, Applicant a/0123/06 names two individuals as victims of the same incidents and two individuals as witnesses. It is however

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<sup>68</sup> See above, para. 18.

<sup>69</sup> Referred to in the Report as [REDACTED].

unclear whether they are victims of or witnesses to the attack on the [REDACTED] IDP Camp and/or to the events which appear to fall beyond the scope of the Case. Applicant a/0123/06 does not submit any document in support of the injuries he allegedly sustained.

63. The alleged events appear to fall within the scope of the jurisdiction of the Court, as follows: *ratione temporis*, since they took place after the entry into force of the Statute and its ratification by Uganda; *ratione loci*, since they occurred at [REDACTED] IDP Camp, [REDACTED] District, Uganda;<sup>70</sup> and *ratione materiae*, since the recounted facts may amount to several crimes provided under the Statute, in particular articles 7, paragraph 1(a), and/or 7, paragraph 1(k) and/or 8, paragraph 2(e)(i), and/or 8, paragraph 2(e)(v).
64. The incidents related by Applicant a/0123/06 also appear to be included in the warrants of arrest issued in the Case.<sup>71</sup> Accordingly, the Single Judge deems that, for the purposes of the present decision, the facts alleged by Applicant a/0123/06 appear to be supported by adequate evidence.
65. The psychological trauma alleged by Applicant a/0123/06 might reasonably be the result of witnessing events of an exceedingly violent and shocking nature, as well as of the loss of his [REDACTED] during the events. Accordingly, they appear to constitute emotional harm within the meaning of rule 85 of the Rules. He also appears to have suffered economic loss.
66. In light of the above, the Single Judge is satisfied that Applicant a/0123/06 meets all the requirements set forth under rule 85 of the Rules in respect of the Case and, accordingly, should be granted the status of victim in the Case.

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<sup>70</sup> Due to the alternative set forth under article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>71</sup> See above, para. 18.

*Applicant a/0124/06 ([REDACTED] IDP Camp)*

67. Application a/0124/06 is submitted by a [REDACTED] woman of Ugandan nationality. It is supported by a proof of identity consisting of a [REDACTED]<sup>72</sup> [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0124/06 as a natural person are duly established.
68. Applicant a/0124/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. She alleges that at around [REDACTED] on [REDACTED] 2004, there was an attack on the [REDACTED] IDP Camp where she was living. After she heard a voice ordering everybody to get inside the houses, she went to hide in her house, as she had previously been taught to do in case of an attack. As she was hiding in her house, it was set on fire by the attackers, who also shot inside the house. She eventually managed to come out and "hide inside a roofless structure". As a result of these events, she alleges that she suffers from serious burns on the [REDACTED], and that she has "an [REDACTED] with serious ache". She further claims that all her belongings were burnt, that she lost many relatives in the attack, and that she is mentally "unsettled". In her application form, she declares that she believes that the events were committed by the UPDF because "before the event there came some strange soldiers in the barracks but the UPDF were saying those were their mobile force". However, during one of the missions conducted by the VPRS in Uganda in November 2006 and February 2007, she declared that she was "not really convinced of the responsibility of UPDF forces", even though she did believe so "because there were no rumours of the presence of the LRA, the attackers were wearing clothes similar to those worn by the UPDF and the fire started in the barracks of the UPDF". She further stated that for the purpose of legal representation, she would not object to being included in a group composed of victims who allege that they were attacked by LRA soldiers.<sup>73</sup>

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<sup>72</sup> Referred to in the Report as [REDACTED].

<sup>73</sup> The Supplementary Report, p. 11.

69. In support of her statements, Applicant a/0124/06 names three individuals as victims who died during the events, and two individuals as witnesses (family members). Applicant a/0124/06 does not submit any document in support of the injuries she allegedly sustained.
70. The alleged events appear to fall within the scope of the jurisdiction of the Court, as follows: *ratione temporis*, since they took place after the entry into force of the Statute and its ratification by Uganda; *ratione loci*, since they occurred at [REDACTED] IDP Camp, [REDACTED] District, Uganda;<sup>74</sup> and *ratione materiae*, since the recounted facts may amount to several crimes provided under the Statute, in particular articles 7, paragraph 1(a), and/or 7, paragraph 1(k) and/or 8, paragraph 2(e)(i), and/or 8, paragraph 2(e)(v).
71. The incidents related by Applicant a/0124/06 also appear to be included in the warrants of arrest issued in the Case.<sup>75</sup> Accordingly, the Single Judge deems that, for the purposes of the present decision, the facts alleged by Applicant a/0124/06 appear to be supported by adequate evidence.
72. Both the physical injuries and the psychological trauma alleged by Applicant a/0124/06 might reasonably be the result of exposure to fire and/or random shooting. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. She also appears to have suffered economic loss.
73. In light of the above, the Single Judge is satisfied that Applicant a/0124/06 meets all the requirements set forth under rule 85 of the Rules in respect of the Case and, accordingly, should be granted the status of victim in the Case.

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<sup>74</sup> Due to the alternative set forth under article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>75</sup> See above, para. 18.

*Applications relating to the Situation*

*Applicant a/0064/06*

74. Application a/0064/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>76</sup> of the person acting on behalf of the applicant (a “community leader”). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the identity of the applicant and of the link with the person acting on his behalf. With regard to the age of the applicant, the Single Judge specifies that during a recent meeting with the VPRS, the applicant stated that he did not know his date of birth but believed he was [REDACTED] old.<sup>77</sup>

*Applicant a/0065/06*

75. Application a/0065/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>78</sup> of the applicant showing that he was [REDACTED] on [REDACTED] 2006. Accordingly, the Single Judge is satisfied that the existence and identity of Applicant a/0065/06 as a natural person are duly established. Having regard to the discrepancy between the age appearing on the [REDACTED] of the applicant and the date of birth given in his application, the Single Judge is of the view that the age to be relied on for the purpose of this decision is the one provided in the identification document of the applicant.
76. Applicant a/0065/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. He alleges that, on [REDACTED] 2003, he was abducted by the LRA at [REDACTED] and taken to the bush by a group of fighters led by [REDACTED]. Applicant a/0065/06 was then tied with a rope, his [REDACTED] was beaten and his [REDACTED] slapped with a panga (machete).

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<sup>76</sup> Referred to in the Report as [REDACTED].

<sup>77</sup> The Supplementary Report, p. 5.

<sup>78</sup> Referred to in the Report as [REDACTED].

Applicant a/0065/06 alleges that he was subsequently taken to Sudan to be trained as a soldier under the command of [REDACTED]. After his training, he was sent back to Uganda to fight against UPDF soldiers. When he reached Uganda, he was first transferred to a group led by [REDACTED], then to a group led by [REDACTED], and “when [REDACTED] was killed” he was sent back to [REDACTED]’s group. Under his command, he was forced to kill [REDACTED] from [REDACTED]. Applicant a/0065/06 was subsequently appointed commander of a group of [REDACTED] people, after which he escaped from [REDACTED] District to go to [REDACTED] on [REDACTED] 2004. As a result of these events, Applicant a/0065/06 claims that he feels “constant and severe pain in [REDACTED]” because of a bayonet injury and of having been beaten with a machete, and that he cannot [REDACTED] properly because he was slapped on the [REDACTED] with a machete.

77. In support of his statements, Applicant a/0065/06 names one individual as a victim of the same events and one individual as a witness. Applicant a/0065/06 does not submit any document in support of the injuries he allegedly sustained, but says that the [REDACTED] he attended has medical records.
78. The alleged events appear to fall within the jurisdiction of the Court. Following the referral of the Situation in Northern Uganda by the Government of Uganda on 16 December 2003,<sup>79</sup> the scope of the Situation was defined as encompassing “*all crimes committed in Northern Uganda in the context of the ongoing conflict involving the LRA*”.<sup>80</sup> In February 2004, the Government of Uganda lodged a declaration of acceptance of jurisdiction, extending the exercise of the temporal jurisdiction by the Court back to 1 July 2002.<sup>81</sup> The Government of Uganda further stated that it did not intend to conduct national proceedings relating to those “*bearing the greatest responsibility for the crimes within the referred situation, particularly the*

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<sup>79</sup> See [REDACTED].

<sup>80</sup> See [REDACTED].

<sup>81</sup> See [REDACTED].

*leadership of the LRA*".<sup>82</sup> The incidents related by Applicant a/0065/06 appear therefore to be included in the Situation as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>83</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.

79. Many aspects in the applicant's allegations appear to be corroborated by information from external sources. According to the U.N. Office for the Coordination of Humanitarian Affairs and the Integrated Regional Information Networks (OCHA-IRIN), in [REDACTED] 2003, the insecurity in the northern region, especially in the Districts of [REDACTED] and [REDACTED], increased after the LRA broke the ceasefire agreement with the Government of Uganda.<sup>84</sup> The death of [REDACTED] was reported on [REDACTED] 2003.<sup>85</sup> Furthermore, the warrants of arrest for [REDACTED] mention that "on or about [REDACTED] 2003, [REDACTED] armed men and boys attacked the [REDACTED] in [REDACTED] County, [REDACTED] District, Uganda, abducted [REDACTED] and looted [REDACTED]".<sup>86</sup> Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0065/06 appear to be supported by sufficient information.
80. The physical injuries alleged by Applicant a/0065/06 might reasonably be the result of violent beatings. Accordingly, they appear to constitute physical harm within the meaning of rule 85 of the Rules.

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<sup>82</sup> See [REDACTED].

<sup>83</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>84</sup> See [REDACTED].

<sup>85</sup> [REDACTED].

<sup>86</sup> [REDACTED].

81. In light of the above, the Single Judge is satisfied that Applicant a/0065/06 meets all the requirements of rule 85 of the Rules in respect of the Situation. Accordingly, he should be granted the status of victim in the context of the Situation.

*Applicant a/0066/06*

82. Application a/0066/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of a [REDACTED]<sup>87</sup> of the applicant. Accordingly, the Single Judge is satisfied that the existence and identity of Applicant a/0066/06 as a natural person are duly established.
83. Applicant a/0066/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. He alleges that on [REDACTED] 2003 he was abducted by the LRA “in the border of [REDACTED] and [REDACTED] Sub-County” in [REDACTED] District. He stayed in the bush for one week and escaped when they met another group of LRA rebels. He was shot in the [REDACTED] while escaping. One of the groups from which Applicant a/0066/06 escaped was led by a commander named [REDACTED], “[REDACTED]”. As a result of these events, the applicant alleges that he sustained a compound fracture in the [REDACTED], from which he still suffers when the weather is cold or when he [REDACTED], and that he [REDACTED].
84. In support of his statements, Applicant a/0066/06 names one individual as a victim of the events and one individual as a witness. Applicant a/0066/06 provides several documents from the [REDACTED] hospital, mentioning an open fracture of the [REDACTED] and recommending [REDACTED].
85. The events alleged by Applicant a/0066/06 appear to fall within the scope of the Situation<sup>88</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred close to

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<sup>87</sup> Referred to in the Report as [REDACTED].

<sup>88</sup> See above, para. 78.

[REDACTED] and [REDACTED] Sub-County in [REDACTED] District, Uganda;<sup>89</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.

86. Many reports point out that children and adults were abducted in Northern Uganda since the beginning of the conflict, and particularly during 2002 and 2003.<sup>90</sup> Several sources indicate that the LRA was fighting and attacking the population in the northern Ugandan District of [REDACTED] in 2003.<sup>91</sup> However, none of the documents available to the Chamber refers to abductions committed during that period in the area of [REDACTED] and [REDACTED] Sub-County, or seems otherwise to corroborate the applicant's allegations to a satisfactory degree. Due to this lack of information, the Single Judge reserves the right to decide on the merits of application a/0066/06 upon receipt of a report from the VPRS as stated in paragraph 9 above.

***Applicant a/0067/06***

87. Application a/0067/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>92</sup> of the applicant showing that he was [REDACTED] on [REDACTED] 2003, and [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and identity of Applicant a/0067/06 as a natural person are duly established. Having regard to the discrepancy between the age appearing on the [REDACTED] of the applicant and the date of birth given in his application, the Single Judge is of the view that the age to be relied on for the purpose of this decision is the one

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<sup>89</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>90</sup> See, in chronological order, Human Rights Watch, "Stolen Children: Abduction and Recruitment in Northern Uganda", March 2003, Vol. 15, No. 7 (A), p. 2; Report of the Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, p. 6 and 11; Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2004 – Uganda"; Human Rights Watch, "Uprooted and Forgotten, Impunity and Human Rights Abuses in Northern Uganda", September 2005, Vol. 17, No. 12. (A), p. 22-24; Amnesty International, "Uganda: Child 'Night Commuters'", 18 November 2005, AFR 59/013/2005.

<sup>91</sup> See [REDACTED].

<sup>92</sup> Referred to in the Report as [REDACTED].

provided in the identification document of the applicant, subject to clarification by the VPRS (see paragraph 90 below).

88. Applicant a/0067/06 is a member of the [REDACTED] tribe. He is currently living in [REDACTED]. Applicant a/0067/06 alleges that, on [REDACTED] 1996, he was abducted with his relatives in [REDACTED] in [REDACTED], [REDACTED] Sub-County, [REDACTED] County, [REDACTED] District. They were forced to carry heavy loads. His relatives were released after two days. The applicant was beaten when he complained that the loads were too heavy. After trying to escape in [REDACTED], [REDACTED] District, he was beaten, tied and kept without food for four days. On [REDACTED] 1996, following an order from [REDACTED], his group arrived in Southern Sudan, where he stayed for six years in the bush with the LRA, "in places from [REDACTED] up to [REDACTED]". During this time, he was trained and forcibly conscripted, and was sent to loot food from civilians of Sudan and from the Sudan Liberation Army. He escaped from [REDACTED], Southern Sudan on [REDACTED] 2002. He was transferred from [REDACTED] to [REDACTED]. Then he travelled to [REDACTED], reached Uganda on [REDACTED] 2003<sup>93</sup> at [REDACTED] and from there went to [REDACTED] where he stayed in [REDACTED] for one month. He came back to his home village on [REDACTED] 2004. As a result of these events, Applicant a/0067/06 claims that he feels traumatized and that he has "excess fear" and "continuous night war-dream". He also alleges that his "grass thatched" and his property were burnt.
89. In support of his statements, Applicant a/0067/06 names four individuals as victims of the events and two individuals as witnesses, whom he characterises as "family members, friends and neighbours". Applicant a/0067/06 does not submit any document in support of the injuries he allegedly sustained.
90. With the exception of the date of his abduction and the date of his escape, Applicant a/0067/06 does not clearly indicate which of the events described in his statement were committed before and after 1 July 2002 respectively. In order to

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<sup>93</sup> See the Supplementary Report, p. 5, 6.

determine whether the alleged events appear to fall within the jurisdiction of the Court and to decide on the merits of the application, the Single Judge requests the VPRS to submit a report specifying which of the events described by the applicant occurred before and after 1 July 2002 respectively and containing any other elements that could corroborate his allegations, as stated in paragraph 9 above. This report should also include clarifications of the information provided by the VPRS according to which “[i]t was clarified that the applicant was [REDACTED] when he was abducted. His date of birth is [REDACTED] [...]”,<sup>94</sup> whereas the applicant gives the date of his abduction as [REDACTED] 1996 and his identification document indicates that he was [REDACTED] on [REDACTED] 2003.

*Applicant a/0068/06*

91. Application a/0068/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>95</sup> of the applicant. Accordingly, the Single Judge is satisfied that the existence and identity of Applicant a/0068/06 as a natural person are duly established.
92. Applicant a/0068/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. Applicant a/0068/06 alleges that, on [REDACTED] 2002,<sup>96</sup> he was abducted by LRA rebels after they attacked his family house in [REDACTED], [REDACTED] Sub-County, [REDACTED]. The applicant was taken by the rebels with other abductees to [REDACTED] where [REDACTED] other abductees and looted luggage were being held. From there, Applicant a/0068/06 as well as other abductees were forced to carry looted items including guns, and they were all led to [REDACTED] in [REDACTED] District. On their way, a [REDACTED] was burnt and those “exhausted or unable to walk were beaten to death”. Applicant a/0068/06 alleges that the LRA group’s

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<sup>94</sup> *Ibid.*, p. 5.

<sup>95</sup> Referred to in the Report as [REDACTED].

<sup>96</sup> Although the date of his abduction is indicated as [REDACTED] 2002 in his application Applicant a/0068/06 stated during a recent meeting with VPRS that he was abducted on [REDACTED] 2002. See the Supplementary Report, p. 6.

commanding officer, [REDACTED], decided to release the elders who had been “separated aside with a lot of starvation” after [REDACTED] ordered him to do so. Applicant a/0068/06 escaped from the LRA in [REDACTED] 2002<sup>97</sup> to return to his home village. As a result of these events, Applicant a/0068/06 claims that he has been suffering from [REDACTED] pain due to the heavy loads he was forced to carry.

93. In support of his statements, Applicant a/0068/06 refers to “family members, parents and siblings” as victims of and/or witnesses to the same events, and names one individual as a witness. Applicant a/0068/06 does not submit any document in support of the injuries he allegedly sustained.
94. The events alleged by Applicant a/0068/06 appear to fall within the scope of the Situation<sup>98</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>99</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
95. Many aspects in the applicant’s allegations appear to be corroborated by information from external sources. According to a media report, the LRA abducted [REDACTED] people during attacks in [REDACTED] and [REDACTED] Districts on [REDACTED] 2002.<sup>100</sup> The same report indicates that on [REDACTED] 2002 a group of LRA fighters looted a trading centre in [REDACTED], [REDACTED] District, where they abducted [REDACTED] civilians and subsequently released some of them.<sup>101</sup> Around that time, LRA rebels are also

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<sup>97</sup> Although the date of his escape is indicated as [REDACTED] or [REDACTED] 2002 in his application, Applicant a/0068/06 stated during a recent meeting with VPRS that he escaped in [REDACTED] 2002. See the Supplementary Report, p. 6.

<sup>98</sup> See above, para. 78.

<sup>99</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>100</sup> [REDACTED].

<sup>101</sup> [REDACTED].

reported to have been attacking [REDACTED] and stealing from the [REDACTED].<sup>102</sup> Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0068/06 appear to be supported by sufficient information.

96. The physical injuries alleged by Applicant a/0068/06 might reasonably be the result of carrying heavy loads. Accordingly, they appear to constitute physical harm within the meaning of rule 85 of the Rules.
97. In light of the above, the Single Judge is satisfied that Applicant a/0068/06 meets all the requirements of rule 85 of the Rules in respect of the Situation. Accordingly, he should be granted the status of victim in the context of the Situation.

*Applicant a/0069/06*

98. Application a/0069/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>103</sup> of the applicant. Accordingly, the Single Judge is satisfied that the existence and identity of Applicant a/0069/06 as a natural person are duly established.
99. Applicant a/0069/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. He alleges that, on [REDACTED] 2002, he was abducted with [REDACTED] family members by a group of LRA rebels under the command of [REDACTED] in [REDACTED], [REDACTED], [REDACTED] District. The group went to [REDACTED] and to a place called [REDACTED], in [REDACTED], where the rebels abducted many other young boys and girls and "looted many luggage". Applicant a/0069/06 was forced to carry heavy loads. They went to [REDACTED], where they were attacked by the UPDF. During this attack, [REDACTED] abductees were killed, and others escaped. After that, the young captives, including the applicant, received military training. The group moved to [REDACTED], and Applicant a/0069/06 escaped in [REDACTED] on [REDACTED] 2002. As a result of these events, he alleges that

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<sup>102</sup> [REDACTED].

<sup>103</sup> Referred to in the Report as [REDACTED].

the LRA soldiers [REDACTED] in order to be able to identify him if he escaped, and that he suffers from general weakness and constant [REDACTED] pain due to the heavy loads he was forced to carry. He claims that he dropped out of school and that he is psychologically traumatised and suffers from constant fears.

100. In support of his statements, Applicant a/0069/06 names two individuals as witnesses to the events ([REDACTED]). Applicant a/0069/06 does not submit any document in support of the injuries he allegedly sustained.
101. With the exception of the date of his abduction and the date of his escape, Applicant a/0069/06 does not clearly indicate which of the events described in his statement were committed before and after 1 July 2002 respectively. In order to determine whether the alleged events appear to fall within the jurisdiction of the Court and to decide on the merits of the application, the Single Judge requests the VPRS to submit a report specifying which of the events described by the applicant occurred before and after 1 July 2002 respectively, and containing any other elements that could corroborate his allegations, as stated in paragraph 9 above.

*Applicant a/0070/06*

102. Application a/0070/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and identity of Applicant a/0070/06 as a natural person are duly established.
103. Applicant a/0070/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. He alleges that at around [REDACTED] on [REDACTED], he was abducted by the LRA rebels in [REDACTED], [REDACTED] District, on his way to [REDACTED] District, and forcibly conscripted. He was led by a commander named [REDACTED] to [REDACTED] and then [REDACTED] District, where he was given military training and forced "to pass to the fields to begin serious looting". After that, he went to [REDACTED], Sudan, under the command of [REDACTED]. There, he was forced to work in the fields for [REDACTED] and to [REDACTED] for [REDACTED]'s

family as well as for families of other top commanders in [REDACTED], Sudan. Applicant a/0070/06 was later led back to Uganda by [REDACTED]. He participated in some fighting and was once forced to [REDACTED] in [REDACTED] Sub-County, [REDACTED] District. He alleges to have been shot in the [REDACTED] during a fight against the UPDF near the Sudanese border. He surrendered to the UPDF in [REDACTED] 2004<sup>104</sup> and stayed with them in [REDACTED], and then [REDACTED], where he was handed over to a [REDACTED]. As a result of these events, the applicant claims that he was injured by the shot to the [REDACTED] and that he continues to suffer constant [REDACTED] pain because of the heavy loads he was made to carry, the hard work he was forced to do and the long distances he had to walk.

104. In support of his statements, Applicant a/0070/06 names two individuals as victims of the events and three individuals as witnesses. Although Applicant a/0070/06 received medical and psychological treatment, he claims that he did not have his medical documents with him when he filed the application form.
105. The events alleged by Applicant a/0070/06 appear to fall within the scope of the Situation<sup>105</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>106</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
106. Many reports point out that children and adults were abducted in Northern Uganda since the beginning of the conflict, and particularly during 2002 and 2003.<sup>107</sup> Several sources indicate that the LRA was fighting and attacking the

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<sup>104</sup> The Supplementary Report, p. 6.

<sup>105</sup> See above, para. 78.

<sup>106</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>107</sup> See, in chronological order, Human Rights Watch, "Stolen Children: Abduction and Recruitment in Northern Uganda", March 2003, Vol. 15, No. 7 (A), p. 2; Report of the Secretary-General on children

population in the northern Ugandan District of [REDACTED] in 2003.<sup>108</sup> It is also reported that “[REDACTED]”.<sup>109</sup> However, none of the documents available to the Chamber refers to abductions committed in [REDACTED], or seems otherwise to corroborate the applicant’s allegations to a satisfactory degree. Due to this lack of information, the Single Judge reserves the right to decide on the merits of application a/0070/06 upon receipt of a report from the VPRS as stated in paragraph 9 above.

*Applicant a/0082/06*

107. Application a/0082/06 is submitted by a [REDACTED] boy of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>110</sup> of the applicant and [REDACTED]<sup>111</sup> of the person acting on his behalf (a neighbour). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the link between the applicant and the person acting on his behalf.

*Applicant a/0084/06*

108. Application a/0084/06 is submitted by a [REDACTED] boy of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>112</sup> and [REDACTED].<sup>113</sup> His [REDACTED] is acting on his behalf. In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the identity of the person acting on behalf of the applicant and of the link between them.

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and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, p. 6 and 11; Coalition to Stop the Use of Child Soldiers, “Child Soldiers Global Report 2004 – Uganda”; Human Rights Watch, “Uprooted and Forgotten, Impunity and Human Rights Abuses in Northern Uganda”, September 2005, Vol. 17, No. 12. (A), p. 22-24; Amnesty International, “Uganda: Child ‘Night Commuters’”, 18 November 2005, AFR 59/013/2005.

<sup>108</sup> See [REDACTED].

<sup>109</sup> [REDACTED].

<sup>110</sup> Referred to in the Report as [REDACTED].

<sup>111</sup> Referred to in the Report as [REDACTED].

<sup>112</sup> Referred to in the Report as [REDACTED].

<sup>113</sup> Referred to in the Report as [REDACTED].

*Applicant a/0085/06*

109. Application a/0085/06 is submitted by a [REDACTED] woman of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>114</sup> and a [REDACTED].<sup>115</sup> The identity of the person acting on behalf of the applicant and the link between them are neither indicated in the application form nor confirmed by any document. In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the identity of the person acting on behalf of the applicant and of the link between them.

*Applicant a/0086/06*

110. Application a/0086/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]. His [REDACTED] is acting on his behalf. In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the identity of the person acting on behalf of the applicant and of the link between them.

*Applicant a/0087/06*

111. Application a/0087/06 is submitted by a [REDACTED] boy of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>116</sup> of the person acting on behalf of the applicant ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the identity of the applicant and of the link with the person acting on his behalf.

*Applicant a/0088/06*

112. Application a/0088/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED].

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<sup>114</sup> Referred to in the Report as [REDACTED].

<sup>115</sup> Referred to in the Report as [REDACTED].

<sup>116</sup> Referred to in the Report as [REDACTED].

Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0088/06 as a natural person are duly established.

113. Applicant a/0088/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. He alleges that on [REDACTED] 2002, he and [REDACTED] of his siblings were abducted by the LRA from their home village [REDACTED], [REDACTED], [REDACTED] District. They were taken to a place called [REDACTED] in [REDACTED] District "where a crowd of fresh abductees were gathered", and forced to carry heavy loads together. Since the [REDACTED] of Applicant a/0088/06 was too tired to carry the heavy loads, she "got cut off into pieces" by the LRA rebels in front of him and his [REDACTED]. When they arrived at the edge of [REDACTED] District, they received military training "under the command of a man only known as [REDACTED]" and were beaten as a "registration". They were then handed over to a captain named [REDACTED] who led them into [REDACTED] Sub-region via [REDACTED] District. They moved back and forth between [REDACTED], [REDACTED] and [REDACTED] Districts for over three months where they were fighting the UPDF. Applicant a/0088/06 was made a "personal escort" to a Lieutenant named [REDACTED]. After he first tried to escape, he was beaten "to a collapsing stage" in front of the other abductees and threatened with being burnt. After LRA top commander [REDACTED] was shot dead in [REDACTED] Region, the group moved to [REDACTED] District and then came back to [REDACTED] Region, via [REDACTED]. Applicant a/0088/06 escaped at night from a place called [REDACTED] and was injured when he fell into a pit. He was rescued by a civilian and transferred to [REDACTED] on [REDACTED] 2003. As a result of these events, he claims to suffer from the dislocation of his [REDACTED] ([REDACTED]) due to the fall into the pit when he escaped, which makes him unable to "[REDACTED]", and from [REDACTED] problems. He further alleges that he suffered from being "forced both outside school and home" and that all his domestic properties were "looted/raided". Moreover, he alleges that he suffers

“serious psychological problems” because he saw his [REDACTED] being cut into pieces in front of him.

114. In support of his statements, Applicant a/0088/06 names two individuals as victims of the events and two individuals as witnesses (all family members). Applicant a/0088/06 claims that he has medical documents but was unable to collect them before filing the application form.
115. With the exception of the date of his abduction and the date of his escape, Applicant a/0088/06 does not clearly indicate which of the events described in his statement were committed before and after 1 July 2002 respectively. In order to determine whether the alleged events appear to fall within the jurisdiction of the Court and to decide on the merits of the application, the Single Judge requests the VPRS to submit a report specifying which of the events described by the applicant occurred before and after 1 July 2002 respectively and containing any other elements that could corroborate his allegations, as stated in paragraph 9 above.

*Applicant a/0089/06*

116. Application a/0089/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>117</sup> of the applicant. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0089/06 as a natural person are duly established.
117. Applicant a/0089/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. He alleges that, at around [REDACTED] on [REDACTED] 1998, he was abducted from his home village of [REDACTED], [REDACTED] Sub-County, [REDACTED] County, [REDACTED] District by a group of LRA rebels “led by [REDACTED]”. He was forced to move with them through [REDACTED] District where they “made several attacks on the UPDF”. They moved to Southern Sudan to a base called [REDACTED] where they stayed with Arab militias until around [REDACTED] 2001. At that time, there was a fight between the LRA and the Arab militias and his group moved to a place called

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<sup>117</sup> Referred to in the Report as [REDACTED].

"[REDACTED]" and then back to Uganda in [REDACTED] District. Applicant a/0089/06 escaped during a fight against the UPDF and surrendered in [REDACTED]. He does not provide any precise date for his escape, but it appears to be shortly after [REDACTED] 2001 when he came back to Uganda from Southern Sudan. As a result of these events, Applicant a/0089/06 claims to have sustained a bullet injury to his [REDACTED], which left [REDACTED]. He further alleges that he lost his education, because he stayed in captivity for a long time, that he was forced to join the LRA which he "never wanted" to do and to kill people.

118. In support of his statements, Applicant a/0089/06 names two individuals as victims of the events and one individual as a witness ([REDACTED]). Applicant a/0089/06 does not submit any documents in support of the injuries he allegedly sustained.
119. The alleged events do not appear to fall within the temporal jurisdiction of the Court. In February 2004, the Government of Uganda lodged a declaration of acceptance of jurisdiction, extending the exercise of the temporal jurisdiction by the Court back to 1 July 2002.<sup>118</sup> However, the incidents related by Applicant a/0089/06 took place from [REDACTED] 1998 until around [REDACTED] 2001, *i.e.* before this date. As a result, the status of victim in the context of the Situation cannot be granted to Applicant a/0089/06.

*Applicant a/0091/06*

120. Application a/0091/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED].<sup>119</sup> Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0091/06 as a natural person are duly established.
121. Applicant a/0091/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. He alleges that on [REDACTED] 2003, he

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<sup>118</sup> See [REDACTED].

<sup>119</sup> Referred to in the Report as [REDACTED].

and [REDACTED] of his cousins were abducted by the LRA in their home village [REDACTED], [REDACTED], [REDACTED] Sub-County, [REDACTED] District. They were taken to [REDACTED], and then to [REDACTED], where “a very large group of LRA rebels fighters together with other abductees” were gathered. From [REDACTED], they moved to [REDACTED] District, where they received military training under the command of a captain named [REDACTED]. Applicant a/0091/06 was then handed over to a group led by a captain named [REDACTED]. They moved to [REDACTED] Sub-region where they stayed for two months and came back to [REDACTED] and [REDACTED] districts, where they were attacked by the UPDF. Applicant a/0091/06 escaped on [REDACTED] 2004, in [REDACTED] District. A civilian took him to the UPDF authorities, and he was transferred to a [REDACTED]. As a result of these events, Applicant a/0091/06 claims to suffer from [REDACTED] problems, due to the heavy loads he was forced to carry, and from “psychological torture due to overexposure to inhumane acts”. He also alleges that he was forced out of school, and forced to conduct “theft activities”.

122. In support of his statements, Applicant a/0091/06 names two individuals as victims of the events and one individual as a witness (all members of his family). Applicant a/0091/06 does not submit any documents in support of the injuries he allegedly sustained.
123. The events alleged by Applicant a/0091/06 appear to fall within the scope of the Situation<sup>120</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>121</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.

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<sup>120</sup> See above, para. 78.

<sup>121</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

124. Many reports point out that children and adults were abducted in Northern Uganda since the beginning of the conflict, and particularly during 2002 and 2003.<sup>122</sup> Several sources indicate that the LRA was fighting and attacking the population in the northern Ugandan District of [REDACTED] in 2003.<sup>123</sup> However, none of the documents available to the Chamber refers to abductions committed during that period in [REDACTED], [REDACTED], [REDACTED] Sub-County, or seems otherwise to corroborate the applicant's allegations to a satisfactory degree. Due to this lack of information, the Single Judge reserves the right to decide on the merits of application a/0091/06 upon receipt of a report from the VPRS as stated in paragraph 9 above.

*Applicant a/0092/06*

125. Application a/0092/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED].<sup>124</sup> Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0092/06 as a natural person are duly established.

126. Applicant a/0092/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. He alleges that on [REDACTED] 2003, he was abducted from [REDACTED], [REDACTED] Sub-County, by a group of [REDACTED] LRA fighters. He was ordered to lie down, and was "beaten seriously". He was then forced to carry loads for the rebels, while moving with them to [REDACTED], [REDACTED], [REDACTED] (where the group burnt [REDACTED]), [REDACTED] and [REDACTED], in [REDACTED], where he was released together with [REDACTED] other abductees. During one of the missions conducted by the VPRS in Uganda in November 2006 and February 2007, he said

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<sup>122</sup> See, in chronological order, Human Rights Watch, "Stolen Children: Abduction and Recruitment in Northern Uganda", March 2003, Vol. 15, No. 7 (A), p. 2; Report of the Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, p. 6 and 11; Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2004 - Uganda"; Human Rights Watch, "Uprooted and Forgotten, Impunity and Human Rights Abuses in Northern Uganda", September 2005, Vol. 17, No. 12. (A), p. 22-24; Amnesty International, "Uganda: Child 'Night Commuters'", 18 November 2005, AFR 59/013/2005.

<sup>123</sup> See [REDACTED].

<sup>124</sup> Referred to in the Report as [REDACTED].

that he was released on [REDACTED] 2003.<sup>125</sup> Applicant a/0092/06 claims that he was not allowed to eat and drink for three days while walking long distances and was thus very weak. He further alleges that the LRA soldiers stole his personal belongings (a radio cassette recorder, a pair of bed sheets and a watch) and money (“270,000 shillings”). As a result of these events, he claims that he sustained an injury to his [REDACTED] and suffers [REDACTED] pain due to the heavy loads he was forced to carry, which makes him unable to “do most of the domestic work”. He also lost a [REDACTED] because of the beatings. He further claims that he was separated from his family and deprived of food.

127. In support of his statements, Applicant a/0092/06 names two individuals as victims of the events and one individual as a witness. Applicant a/0092/06 does not submit any documents in support of the injuries he allegedly sustained.
128. The events alleged by Applicant a/0092/06 appear to fall within the scope of the Situation<sup>126</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>127</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
129. Many reports point out that children and adults were abducted in Northern Uganda since the beginning of the conflict, and particularly during 2002 and 2003.<sup>128</sup> Several sources indicate that the LRA was fighting and attacking the

<sup>125</sup> The Supplementary Report, p. 8.

<sup>126</sup> See above, para. 78.

<sup>127</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>128</sup> See, in chronological order, Human Rights Watch, “Stolen Children: Abduction and Recruitment in Northern Uganda”, March 2003, Vol. 15, No. 7 (A), p. 2; Report of the Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, p. 6 and 11; Coalition to Stop the Use of Child Soldiers, “Child Soldiers Global Report 2004 – Uganda”; Human Rights Watch, “Uprooted and Forgotten, Impunity and Human Rights Abuses in Northern Uganda”, September 2005, Vol. 17, No. 12. (A), p. 22-24; Amnesty International, “Uganda: Child ‘Night Commuters’”, 18 November 2005, AFR 59/013/2005.

population in the northern Ugandan District of [REDACTED] in 2003.<sup>129</sup> However, according to media reports, the [REDACTED] in [REDACTED] was destroyed by the LRA on [REDACTED] 2002,<sup>130</sup> whereas Applicant a/0092/06, who claims to have been present at its destruction, gives [REDACTED] 2003 as the date of his abduction. Because of this inconsistency, the Single Judge reserves the right to decide on the merits of application a/0092/06 upon receipt of a report from the VPRS as stated in paragraph 9 above.

*Applicant a/0093/06*

130. Application a/0093/06 is submitted by a [REDACTED] woman of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED].<sup>131</sup> Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0093/06 as a natural person are duly established.
131. Applicant a/0093/06 is a member of the [REDACTED] tribe, was [REDACTED] and is currently living in [REDACTED]. She alleges that, on [REDACTED] 2003, she was abducted by the LRA with [REDACTED] ([REDACTED]) from their home village [REDACTED], [REDACTED], [REDACTED] Sub-County. The soldiers came to her house and she was "beaten seriously" and then forced to move with the rebels. When they reached [REDACTED], they were forced to stop at the homestead of an old woman named [REDACTED] while the rebels robbed and looted many shops. She was forced to move with the soldiers and to carry heavy loads, together with other abductees. They returned to their home village, where another group of rebels, together with other abductees, was waiting for them. They instructed the applicant's [REDACTED] to guide some LRA soldiers around the neighbourhood while other LRA soldiers looted his room. After that, they went to [REDACTED] in [REDACTED] Sub-County, and then towards [REDACTED] in [REDACTED] District. After a fight against the UPDF during which she dropped what she was carrying, she was beaten and forced to lie on

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<sup>129</sup> See [REDACTED].

<sup>130</sup> [REDACTED].

<sup>131</sup> Referred to in the Report as [REDACTED].

[REDACTED]. She was later released in [REDACTED] District with other abductees, including [REDACTED]. During one of the missions conducted by the VPRS in Uganda in November 2006 and February 2007, she said that she was released on [REDACTED] 2003.<sup>132</sup> As a result of these events, Applicant a/0093/06 claims to suffer [REDACTED] pain, due to the heavy loads she was forced to carry. Moreover, she alleges that she had to abandon school and was forced to live in [REDACTED]. She further claims to have been exposed to “a lot of psychological torture”.

132. In support of her statements, Applicant a/0093/06 names three individuals as victims of and witnesses to the events (including [REDACTED]). She does not submit any document in support of the injuries she allegedly sustained.
133. The events alleged by Applicant a/0093/06 appear to fall within the scope of the Situation<sup>133</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>134</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
134. Many aspects in the applicant’s allegations appear to be corroborated by information from external sources. In September 2003, civil security was reported as still uncertain in parts of the [REDACTED] District, “where the LRA continues sporadic attacks on communities and road convoys”.<sup>135</sup> Moreover, the allegations of Applicant a/0093/06 seem to be corroborated by the statements of [REDACTED], [REDACTED] and [REDACTED]. First, they were abducted on the same day and by the same LRA rebel; also, even though the places of abduction are different for [REDACTED] and [REDACTED], they appear to be within

<sup>132</sup> See the Supplementary Report, p. 8.

<sup>133</sup> See above, para. 78.

<sup>134</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>135</sup> [REDACTED].

walking distance, and [REDACTED] declares that the LRA rebels had already abducted other people from surrounding villages when they came to his village, from where Applicant a/0093/06 was abducted. Finally, the allegations of Applicant a/0093/06 regarding the directions subsequently taken by the rebels are also confirmed by the statements of [REDACTED], [REDACTED] and [REDACTED]. Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0093/06 appear to be supported by sufficient information.

135. The physical injuries and the psychological trauma alleged by Applicant a/0093/06 might reasonably be the result of carrying heavy loads as well as of witnessing events of an exceedingly violent and shocking nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules.
136. In light of the above, the Single Judge is satisfied that Applicant a/0093/06 meets all the requirements of rule 85 of the Rules in respect of the Situation and, accordingly, should be granted the status of victim in the context of the Situation.

*Applicant a/0096/06*

137. Application a/0096/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED].<sup>136</sup> Accordingly, the Single Judge is satisfied that the existence and identity of Applicant a/0096/06 as a natural person are duly established.
138. Applicant a/0096/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. Applicant a/0096/06 alleges that, during [REDACTED] of [REDACTED] 2003, he was abducted from his home in [REDACTED], [REDACTED], [REDACTED] Sub-County, [REDACTED] County, [REDACTED] District, by a LRA fighter called [REDACTED], who was under the command of a colonel named [REDACTED]. In the aftermath, Applicant a/0096/06's hands were tied very tightly and he was forced to move with the rebels

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<sup>136</sup> Referred to in the Report as [REDACTED].

and other abductees from surrounding villages to [REDACTED]. When they reached [REDACTED], they were made to sit at the homestead of an old woman named [REDACTED]. The rebels then broke into some shops and stole food, soap and clothes. After looting shops, the rebels came back to the abductees and ordered them to move towards Applicant a/0096/06's house. Some rebels stayed at his homestead while he was made to guide others around the neighbourhood. The rebels looted many items in the village. When Applicant a/0096/06 came back to his house with the group he was guiding, he discovered that the other group of rebels had broken into his house and taken all his clothes, 190,000 shillings, his two mattresses and all his school documents. Applicant a/0096/06 was again forced to move with them to [REDACTED] Sub-County, where they slept in a village called [REDACTED]. The following morning, they made Applicant a/0096/06 carry a sack of beans weighing around [REDACTED] and started walking. Since the load the applicant was made to carry was too heavy, he could not walk fast and a rebel called [REDACTED] hit his [REDACTED] with a bayonet. Applicant a/0096/06 continued to walk in pain, while carrying the load, until the group reached [REDACTED] in [REDACTED] District. The next morning, on [REDACTED] 2003,<sup>137</sup> after they started a [REDACTED] kilometre walk, the rebels released Applicant a/0096/06 as well as [REDACTED] other abductees from [REDACTED] Sub-County and ordered them to go back along the same route the rebels had used so far. The rebels also ordered the abductees to tell others behind to run away as soon as they heard of the LRA since "they [the LRA] have already captured the districts of [REDACTED]". Applicant a/0096/06 was then taken to [REDACTED] IDP Camp, then to the UPDF and finally to [REDACTED] in [REDACTED] District for [REDACTED], [REDACTED] treatment and care until he recovered. As a result of these events, Applicant a/0096/06 claims that he suffers [REDACTED] pain because of the heavy loads he was made to carry, that he is [REDACTED] on his [REDACTED] because of the bayonet injury and that he cannot find employment since all his school documents were taken.

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<sup>137</sup> The date of release of Applicant a/0096/06 is indicated in the Supplementary Report, p. 8.

139. In support of his statements, Applicant a/0096/06 names two individuals as victims of the events (including [REDACTED]), and two individuals as witnesses (one of them being [REDACTED]). Applicant a/0096/06 does not submit any document in support of the injuries he allegedly sustained.
140. The events alleged by Applicant a/0096/06 appear to fall within the scope of the Situation<sup>138</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>139</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
141. Many aspects in the applicant's allegations appear to be corroborated by information from external sources. In September 2003, civil security was reported as still uncertain in parts of the [REDACTED] District, "where the LRA continues sporadic attacks on communities and road convoys".<sup>140</sup> Moreover, the allegations of Applicant a/0096/06 seem to be corroborated by the statements of [REDACTED], [REDACTED] and [REDACTED]. First, they were abducted on the same day and by the same LRA rebel; also, even though the places of abduction are different, they appear to be within walking distance, and Applicant a/0096/06 declares that the LRA rebels had already abducted other people from surrounding villages when they came to his village. Finally, the allegations of Applicant a/0096/06 regarding the directions subsequently taken by the rebels are also confirmed by the statements of [REDACTED], [REDACTED] and [REDACTED]. Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0096/06 appear to be supported by sufficient information.

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<sup>138</sup> See above, para. 78.

<sup>139</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>140</sup> [REDACTED].

142. The physical injuries alleged by Applicant a/0096/06 might reasonably be the result of carrying heavy loads and being hit by a bayonet in the [REDACTED]. Accordingly, they appear to constitute physical harm within the meaning of rule 85 of the Rules. He also appears to have suffered economic loss.
143. In light of the above, the Single Judge is satisfied that Applicant a/0096/06 meets all the requirements of rule 85 of the Rules in respect of the Situation. Accordingly, he should be granted the status of victim in the context of the Situation.

*Applicant a/0099/06*

144. Application a/0099/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>141</sup>. According to the principles set forth above,<sup>142</sup> such document can be accepted as proof of identity of an applicant. However, since the [REDACTED] provided by Applicant a/0099/06 is not dated and does not contain [REDACTED], it cannot be considered as an adequate proof of identity. Therefore, the Single Judge is of the view that, at this stage, the identity of Applicant a/0099/06 as a natural person is not established to a satisfactory degree for the purposes of participation in the proceedings and reserves the right to consider the merits of the application once adequate proof of identity is submitted.

*Applicant a/0102/06*

145. Application a/0102/06 is submitted by a [REDACTED] woman of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0102/06 as a natural person are duly established.
146. Applicant a/0102/06 is a member of the [REDACTED] tribe. She was [REDACTED] and is currently living in [REDACTED]. She alleges that on “[REDACTED] of [REDACTED] 2004”, she and a group of [REDACTED] civilians were attacked by LRA soldiers on their way back to [REDACTED] IDP Camp, [REDACTED]

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<sup>141</sup> Referred to in the Report as [REDACTED].

<sup>142</sup> See above, para. 6.

District, from [REDACTED], in [REDACTED] Sub-County. The [REDACTED] other persons in the group were killed, including her [REDACTED] and a one-year-old baby, with pangas (machetes), axes and logs. When she asked them not to kill her, the commandant [REDACTED] and her “[REDACTED]” ([REDACTED]) with a [REDACTED]. After that he ordered her to go to the [REDACTED] (“[REDACTED]”) and to inform them that the LRA was in [REDACTED] and that they were “meant to work there for a period of three months”. As a result of these events, the applicant alleges that she lost her [REDACTED] and her “[REDACTED]”, causing her constant pain, and that her [REDACTED] was killed in the attack. She further alleges that she is [REDACTED] from her home, that she lives in [REDACTED] and does not have enough food.

147. In support of her statements, Applicant a/0102/06 names four individuals as victims of the event, and one individual as a witness, who was able to “escape alone without any harm inflicted on him”. In support of the injuries she allegedly sustained, Applicant a/0102/06 provides documents issued by the [REDACTED] Hospital and a hand written note with a stamp by “[REDACTED]”.
148. The events alleged by Applicant a/0102/06 appear to fall within the scope of the Situation<sup>143</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>144</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
149. Several sources indicate that the LRA had been fighting and attacking the population in the northern Ugandan District of [REDACTED] in 2004.<sup>145</sup> In [REDACTED] 2004, the LRA was reported “still active” in the [REDACTED]

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<sup>143</sup> See above, para. 78.

<sup>144</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>145</sup> [REDACTED].

District.<sup>146</sup> However, none of the documents available to the Chamber refers to an attack committed during that period in [REDACTED], [REDACTED] Sub-County, or seems otherwise to corroborate the applicant's allegations to a satisfactory degree. Due to this lack of information, the Single Judge reserves the right to decide on the merits of application a/0102/06 upon receipt of a report from the VPRS as stated in paragraph 9 above.

*Applicant a/0104/06*

150. Application a/0104/06 is submitted by a [REDACTED] boy of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED],<sup>147</sup> and [REDACTED] issued by [REDACTED] to the person acting on behalf of the applicant ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the link between the applicant and the person acting on his behalf.

*Applicant a/0114/06*

151. Application a/0114/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0114/06 as a natural person are duly established.
152. Applicant a/0114/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. He alleges that, on [REDACTED] 2001, he was abducted by the LRA from [REDACTED], [REDACTED], [REDACTED] District. After being bound with ropes, he was taken by an LRA commander named [REDACTED] under the supervision of [REDACTED] to [REDACTED] Sub-County and later to [REDACTED] and [REDACTED]. Since he was a new captive, he was given [REDACTED] strokes as a commencement of his training. Applicant a/0114/06 was forced, always with a very tight escort, to fetch water,

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<sup>146</sup> [REDACTED].

<sup>147</sup> Referred to in the Report as [REDACTED].

cook and wash the uniforms. The rebels moved to [REDACTED] in [REDACTED], and then to [REDACTED], because the UPDF was approaching. The applicant was given training for two months, and then the group moved towards Sudan but stopped at [REDACTED]. Because of the lack of food, some people were too weak to walk and were "cut into pieces". From there, they moved back under the command of a captain named [REDACTED] to [REDACTED] and [REDACTED] in [REDACTED], but could not penetrate into the [REDACTED] Sub-region, due to "too much deployment of the UPDF". The applicant was appointed as personal escort to [REDACTED] and carried out abductions with his group in [REDACTED]. They went back to [REDACTED] in [REDACTED], where he was assigned the task of attacking vehicles on the road. He was beaten and "received a lot of torture" because he did not succeed. Afterwards, his group succeeded in abducting many people and he was rewarded by being given a [REDACTED] called [REDACTED] as a "[REDACTED]". On [REDACTED] 2004,<sup>148</sup> he escaped and went to [REDACTED] because he was injured. As a result of these events, Applicant a/0114/06 claims that he was pierced by a bayonet and a panga (machete) in the [REDACTED] and in the [REDACTED] during "tortures". He further alleges that all his food was looted, that he was forced out of school, and that he suffers from psychological problems, experiencing "bad nights", "scaring dreams", and "a lot of imbalance".

153. In support of his statements, Applicant a/0114/06 names three individuals as victims of the events and three individuals (whom he characterises as his "clan mates") as witnesses. Applicant a/0114/06 does not submit any document in support of the injuries he allegedly sustained.
154. With the exception of the date of his abduction and the date of his escape, Applicant a/0114/06 does not clearly indicate which of the events described in his statement were committed before and after 1 July 2002 respectively. In order to

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<sup>148</sup> Although his application indicates [REDACTED] 2004 as date of his release, during a recent meeting with VPRS Applicant a/0114/06 stated that the date of his release was [REDACTED] 2004. See the Supplementary Report, p 10.

determine whether the alleged events appear to fall within the jurisdiction of the Court and decide on the merits of the application, the Single Judge requests the VPRS to submit a report specifying which of the events described by the applicant occurred before 1 July 2002 and which occurred after 1 July 2002 and containing any other elements that could corroborate his allegations, as stated in paragraph 9 above.

*Applicant a/0115/06*

155. Application a/0115/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by proof of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0115/06 as a natural person are duly established.
156. Applicant a/0115/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. He alleges that, at around [REDACTED] on [REDACTED] 2003, he was abducted by LRA rebels from his village [REDACTED], in [REDACTED], [REDACTED] Sub-County, [REDACTED] District. They moved under the command of [REDACTED] to [REDACTED] Sub-County and [REDACTED] in [REDACTED], [REDACTED] District, where he was seriously beaten as a "registration fee". After that, they moved to [REDACTED] in [REDACTED] District where he was given military training under [REDACTED] and [REDACTED]. He was appointed as a guard to [REDACTED]. They went towards Sudan but waited at [REDACTED], in [REDACTED], for the "[REDACTED] LRA bosses" to get ammunitions. They then went to [REDACTED], in [REDACTED] District, where they were forced to commit murders or told that they would become "the sample to the other colleagues". They moved to [REDACTED] District, where they "got induced into very deadly and dangerous activities such as boiling of dead human meat and forcing the new captives to eat it". From [REDACTED], they moved to [REDACTED] and [REDACTED]. Applicant a/0115/06 was given a short break, after which he decided to escape and went to the [REDACTED] UPDF army barracks, in

[REDACTED] 2003. As a result of these events, Applicant a/0115/06 claims to suffer from continuous “psychological torture and permanent trauma” and from “[REDACTED] complication” due to two days of severe beatings before training and because he did not receive proper treatment. He further alleges that he has totally lost direction for his education, that his home and property were burnt and destroyed, and that his entire family was [REDACTED].

157. In support of his statements, Applicant a/0115/06 names two individuals as victims of the events and two individuals as witnesses. Applicant a/0115/06 does not submit any document in support of the injuries he allegedly sustained.
158. The events alleged by Applicant a/0115/06 appear to fall within the scope of the Situation<sup>149</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>150</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
159. Many reports point out that children and adults were abducted in Northern Uganda since the beginning of the conflict, and particularly during 2002 and 2003.<sup>151</sup> Several sources indicate that the LRA was fighting and attacking the population in the northern Ugandan District of [REDACTED] in 2003.<sup>152</sup> However, none of the documents available to the Chamber refers to abductions committed in [REDACTED], or seems otherwise to corroborate the applicant’s allegations to a satisfactory degree. Due to this lack of information, the Single Judge reserves the

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<sup>149</sup> See above, para. 78.

<sup>150</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>151</sup> See, in chronological order, Human Rights Watch, “Stolen Children: Abduction and Recruitment in Northern Uganda”, March 2003, Vol. 15, No. 7 (A), p. 2; Report of the Secretary-General on children and armed conflict, UN Doc. A/58/546-S/2003/1053, 10 November 2003, p. 6 and 11; Coalition to Stop the Use of Child Soldiers, “Child Soldiers Global Report 2004 – Uganda”; Human Rights Watch, “Uprooted and Forgotten, Impunity and Human Rights Abuses in Northern Uganda”, September 2005, Vol. 17, No. 12. (A), p. 22-24; Amnesty International, “Uganda: Child ‘Night Commuters’”, 18 November 2005, AFR 59/013/2005.

<sup>152</sup> See [REDACTED].

right to decide on the merits of application a/0115/06 upon receipt of a report from the VPRS as stated in paragraph 9 above.

*Applicant a/0117/06*

160. Application a/0117/06 is submitted by an [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>153</sup> of the applicant. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0117/06 as a natural person are duly established.
161. Applicant a/0117/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. Among other allegations that appear to be fall within the scope of the Case, he alleges that, on [REDACTED] 2003, he and [REDACTED] of his [REDACTED] were abducted by a group of LRA fighters under the command of a lieutenant named [REDACTED] from his village [REDACTED] in [REDACTED] District. He and [REDACTED] of [REDACTED] were beaten and “seriously tortured”. They were forced to move with the group to “[REDACTED]”, in [REDACTED] Sub-County, in order to join a lieutenant called [REDACTED]. After some time, they released his [REDACTED], but he was selected for military training by [REDACTED], in [REDACTED], [REDACTED] District. Mistakes during the training led to a punishment of [REDACTED] strokes. After a “registration test” consisting of [REDACTED] strokes, he was recruited into the LRA army. They moved through [REDACTED] and [REDACTED] for a period of three months, and then reached [REDACTED] on [REDACTED] 2003 before coming back to [REDACTED], in [REDACTED] District, where Applicant a/0117/06 was again placed under the command of [REDACTED]. On [REDACTED] 2003 he escaped after his group attacked [REDACTED] and went to [REDACTED], where he stayed for a few days before being admitted into [REDACTED] and returning home. As a result of these events, Applicant a/0117/06 alleges that he still suffers from “psychological torture”, and that he is highly traumatised because he was forced to kill soldiers and civilians.

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<sup>153</sup> Referred to in the Report as [REDACTED].

He further claims that he suffers from [REDACTED] pain and poor health because he had to carry heavy things and was tortured. He also alleges that his education was interrupted while in captivity.

162. In support of his statements, Applicant a/0117/06 names three individuals as victims of the events, including [REDACTED] and [REDACTED], and two individuals as witnesses (his “[REDACTED]”), including [REDACTED]. Applicant a/0117/06 does not submit any document in support of the injuries he allegedly sustained.
163. The events alleged by Applicant a/0117/06 appear to fall within the scope of the Situation<sup>154</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>155</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
164. Many aspects in the applicant’s allegations appear to be corroborated by information from external sources. According to OCHA, [REDACTED] people were abducted by the LRA in the [REDACTED] District in [REDACTED] 2003.<sup>156</sup> It was reported that the humanitarian situation in northern Uganda continued to worsen in [REDACTED] 2003 because of regular LRA attacks on civilians.<sup>157</sup> Moreover, the statements by [REDACTED] and [REDACTED] appear to corroborate the allegations of Applicant a/0117/06, notably as regards the day and place of abduction and the directions taken by the LRA rebels in the aftermath. Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0117/06 appear to be supported by sufficient information.

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<sup>154</sup> See above, para. 78.

<sup>155</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>156</sup> See [REDACTED].

<sup>157</sup> [REDACTED].

165. The physical injuries and the psychological trauma alleged by Applicant a/0117/06 might reasonably be the result of violent beatings as well as of witnessing events of an exceedingly violent and shocking nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules.
166. In light of the above, the Single Judge is satisfied that Applicant a/0117/06 meets all the requirements of rule 85 of the Rules in respect of the Situation and, accordingly, should be granted the status of victim in the context of the Situation.

*Applicant a/0120/06*

167. Application a/0120/06 is submitted by a [REDACTED] woman of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]<sup>158</sup> [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0120/06 as a natural person are duly established.
168. Applicant a/0120/06 is a member of the [REDACTED] tribe. She was [REDACTED] and is currently living in [REDACTED]. Among other allegations that appear to fall within the scope of the Case, she alleges that on [REDACTED] 2004, after the attack on the [REDACTED] IDP Camp, she was forced to follow the LRA fighters up to the village of [REDACTED] in [REDACTED] Sub-County, with [REDACTED] other individuals captured in the course of the attack, and to carry loads. The next morning, after a woman in her group was “smashed to death” in front of her, she was pierced with a bayonet above her [REDACTED] ([REDACTED]) and “beaten seriously”. The rebels left her for dead. The [REDACTED] others were all killed. She was found at [REDACTED] by the UPDF who brought her to the hospital. She recovered “her senses” after six months. As a result of these events, Applicant a/0120/06 alleges that she sustained physical injuries to her [REDACTED] and her [REDACTED], as well as to her [REDACTED] because it was beaten and [REDACTED]. She claims that she cannot [REDACTED] well, has difficulties [REDACTED] and [REDACTED] and that she

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<sup>158</sup> Referred to in the Report as [REDACTED].

suffers from “a lot of psychological torture” since she has been [REDACTED] by her [REDACTED] because she is “too weak”.

169. In support of her statements, Applicant a/0120/06 names two individuals as victims of the events and two individuals as witnesses. In support of the injuries she allegedly sustained, Applicant a/0120/06 provides a copy of a medical certificate dated [REDACTED] 2003 and an out patient card issued by [REDACTED], stating that she was admitted on [REDACTED] 2004.
170. The events alleged by Applicant a/0120/06 appear to fall within the scope of the Situation<sup>159</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in [REDACTED], [REDACTED] Sub-County, Uganda;<sup>160</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
171. Many aspects in the applicant’s allegations appear to be corroborated by information from external sources. The attack by the LRA on the [REDACTED] IDP Camp on [REDACTED] 2004 is included in the warrants of arrest issued in the Case.<sup>161</sup> It is reported that following this attack, the LRA rebels abducted a number of residents of the [REDACTED] IDP Camp,<sup>162</sup> and that [REDACTED] to [REDACTED] dead bodies were discovered near the site of the camp.<sup>163</sup> According to the U.N. Children’s Fund Protection Officer for Northern Uganda, “[i]n addition to [REDACTED] people who were killed in the [[REDACTED] IDP] camp, local officials have counted another [REDACTED] killed outside the

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<sup>159</sup> See above, para. 78.

<sup>160</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>161</sup> “Warrant of Arrest for Joseph Kony issued on 8 July 2005 as amended on 27 September 2005” (ICC-02/04-01/05-53), para. 21; “Warrant of Arrest for Vincent Otti” (ICC-02/04-01/05-54), para. 22; “Warrant of Arrest for Okot Odhiambo” (ICC-02/04-01/05-56), para. 17.

<sup>162</sup> [REDACTED].

<sup>163</sup> [REDACTED].

camp”.<sup>164</sup> Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0120/06 appear to be supported by sufficient information.

172. The physical injuries and the psychological trauma alleged by Applicant a/0120/06 might reasonably be the result of being hit by a bayonet, beaten, forced to carry heavy loads and to witness events of an exceedingly violent and shocking nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules.
173. In light of the above, the Single Judge is satisfied that Applicant a/0120/06 meets all the requirements of rule 85 of the Rules in respect of the Situation and, accordingly, should be granted the status of victim in the context of the Situation.

*Applicant a/0123/06*

174. Application a/0123/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED].<sup>165</sup> Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0123/06 as a natural person are duly established.
175. Applicant a/0123/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. Among other allegations that appear to fall within the scope of the Case, he alleges that as soon as the massacre on [REDACTED] IDP Camp was over, he was forced to carry a huge bag and to follow the LRA rebels to [REDACTED] Sub-County, [REDACTED], [REDACTED] District. Then they went to [REDACTED], where they were defeated by the UPDF, and later joined another LRA group in [REDACTED]. The rebels separated the young and old captives and forced the young to kill all the adults with pangas. The young captives received a “furious training” with “serious beating”. At the end, they were all given guns and left for [REDACTED] to attack [REDACTED] IDP Camp, but they did not succeed because too many UPDF soldiers were

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<sup>164</sup> [REDACTED].

<sup>165</sup> Referred to in the Report as [REDACTED].

deployed. After that, Applicant a/0123/06 alleges that they went to [REDACTED] IDP Camp, where they were instructed by [REDACTED] to do exactly what the LRA had done in [REDACTED] IDP Camp. After the attack, they went back to [REDACTED]. They were sent to raid cattle from the [REDACTED] in [REDACTED] District and were attacked by the UPDF on their way back. On [REDACTED] 2004, during an operation, they were again attacked by the UPDF and the applicant used this opportunity to escape along with another captive. As a result of these events, Applicant a/0123/06 claims that his time in captivity caused him “permanent physical and psychological impacts”, and that he suffers from general weakness due to the beatings. He further alleges that his education was ended.

176. In support of his statements, Applicant a/0123/06 names two individuals as victims of the events and two individuals as witnesses. It is however unclear whether they are victims of or witnesses to the aforementioned events and/or of the attack on the [REDACTED] IDP Camp. Applicant a/0123/06 does not submit any document in support of the injuries he allegedly sustained.
177. The events alleged by Applicant a/0123/06 appear to fall within the scope of the Situation<sup>166</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>167</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
178. Many aspects in the applicant’s allegations appear to be corroborated by information from external sources. The LRA attack on the [REDACTED] IDP Camp on [REDACTED] 2004, resulting in the death of possibly as many as

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<sup>166</sup> See above, para. 78.

<sup>167</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

[REDACTED] civilians, is included in the warrants of arrest.<sup>168</sup> It is reported that following this attack, the LRA rebels abducted a number of residents of the [REDACTED] IDP Camp.<sup>169</sup> An attack on the [REDACTED] IDP Camp by approximately [REDACTED] LRA rebels resulting in the death of [REDACTED] civilians is reported to have occurred on [REDACTED] 2004.<sup>170</sup> Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0123/06 appear to be supported by sufficient information.

179. The physical injuries and the psychological trauma alleged by Applicant a/0123/06 might reasonably be the result of violent beatings as well as of witnessing events of an exceedingly violent and shocking nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules.
180. In light of the above, the Single Judge is satisfied that Applicant a/0123/06 meets all the requirements of rule 85 of the Rules in respect of the Situation and, accordingly, should be granted the status of victim in the context of the Situation.

*Applicant a/0125/06*

181. Application a/0125/06 is submitted by a [REDACTED] man of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and identity of Applicant a/0125/06 as a natural person are duly established.
182. Applicant a/0125/06 is a member of the [REDACTED] tribe. He was [REDACTED] and is currently living in [REDACTED]. Applicant a/0125/06 alleges that at [REDACTED] on [REDACTED] 2003, he was abducted from his residence in [REDACTED], [REDACTED] Sub-County, [REDACTED] District, during an attack by LRA rebels under the command of [REDACTED]. In the aftermath of this, Applicant a/0125/06 was forced to move with the rebels to [REDACTED] Sub-County, then [REDACTED] and [REDACTED] District where he received more

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<sup>168</sup> See above, para. 18.

<sup>169</sup> OCHA-IRIN, 23 February 2004, "IDPs flee camp after rebel attack, toll reported at 213".

<sup>170</sup> OCHA, 31 March 2004, Humanitarian Update Uganda March 2004, Vol. VI, Issue III.

than [REDACTED] strokes as a "nomination fee". The applicant was left very weak and did not receive any treatment. He was then immediately given military training and suffered from food deprivation. Once the training was over, Applicant a/0125/06 was given a gun and handed over to [REDACTED] who led his fighters to [REDACTED] sub-region, and a month later towards Sudan. When reaching the border with Sudan, the group was too starved and weak to walk and stayed there for another month. [REDACTED] subsequently ordered the group to return to [REDACTED] District, where they stayed two months, after which they headed towards [REDACTED] in [REDACTED] District. When the rebel group reached [REDACTED], they killed and injured civilians, sometimes cutting off people's both legs. From [REDACTED], [REDACTED]'s group went to [REDACTED] Sub-County, where Applicant a/0125/06 was forced to kill a man. They later returned to [REDACTED]. In [REDACTED] 2004, he surrendered to a UPDF patrol, which took him to [REDACTED] and [REDACTED] a month later. Applicant a/0125/06 was then entrusted to [REDACTED] before going back to his home town. As a result of these events, Applicant a/0125/06 claims that he suffered from "general body weakness due to too much beating by the LRA" and that he was "forced to starve and suffer in the bush". Applicant a/0125/06 further alleges that he lost his [REDACTED] in the LRA attack on his village, that his properties were burnt and that he was forced out of school. Applicant a/0125/06 claims that he lost hope and self-esteem and suffers from "psychological torture": he states that his problems are now mostly psychological and that he feels "tortured in his mind".

183. In support of his statements, Applicant a/0125/06 names three individuals as victims of the events and two individuals as witnesses ([REDACTED]). Applicant a/0125/06 does not submit any document in support of the injuries he allegedly sustained.

184. The events alleged by Applicant a/0125/06 appear to fall within the scope of the Situation<sup>171</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>172</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
185. According to OCHA, the LRA started attacking the [REDACTED] region from [REDACTED] 2003,<sup>173</sup> and [REDACTED] District was one of the most trouble-afflicted regions up to [REDACTED] 2003,<sup>174</sup> with continuous reports of attacks throughout [REDACTED] and [REDACTED] 2003.<sup>175</sup> However, none of the documents available to the Chamber refers to abductions committed during that period in [REDACTED], [REDACTED] Sub-County, [REDACTED] District, or seems otherwise to corroborate the applicant's allegations to a satisfactory degree. Due to this lack of information, the Single Judge reserves the right to decide on the merits of application a/0125/06 upon receipt of a report from the VPRS as stated in paragraph 9 above.

*Applicant a/0126/06*

186. Application a/0126/06 is submitted by a [REDACTED] woman of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0126/06 as a natural person are duly established.
187. Applicant a/0126/06 is a member of the [REDACTED] tribe. She was [REDACTED] and is currently living in [REDACTED]. Applicant a/0126/06 alleges that in [REDACTED] 2002, while she was at [REDACTED]'s house in [REDACTED],

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<sup>171</sup> See above, para. 78.

<sup>172</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>173</sup> [REDACTED].

<sup>174</sup> [REDACTED].

<sup>175</sup> [REDACTED].

[REDACTED] District, waiting for [REDACTED] to take place, some rebels broke into the house at around [REDACTED]. She and her [REDACTED] were abducted by fighters under the command of [REDACTED]. Applicant a/0126/06 was tied up whereas her [REDACTED] was released. She was subsequently made to walk [REDACTED] kilometres with the rebels, up to [REDACTED], where she was given [REDACTED] strokes as "registration into the army", and [REDACTED] more the following day. She was then given a man named [REDACTED] as a "husband" who immediately [REDACTED] her and forced her to "[REDACTED]". Applicant a/0126/06 says that she was later handed over to [REDACTED] who had had ten dead human bodies cooked in pots. [REDACTED] ordered the abductees to take a portion of a dead human body and eat it. The applicant took a very long part of an arm. When the abductees began eating, the UPDF arrived and they all had to drop their portion and leave. The same thing was repeated the following day, and this time the abductees had to eat the dead bodies. Applicant a/0126/06 was made to eat a tongue and she says that immediately after "completion", [REDACTED] abductees were killed. During the following two months, Applicant a/0126/06 and other abductees received military training, at the end of which the [REDACTED] of them were given guns with a single bullet each. They were instructed by the rebels to shoot a target without failing, specifying that anyone who failed would be killed. Applicant a/0126/06 was part of the [REDACTED] who "passed the test" but [REDACTED] people failed and were killed. The [REDACTED] remaining abductees, including Applicant a/0126/06, were then "given guns and released to go on duty". They moved to the border between [REDACTED] and [REDACTED] Sub-regions and "were really very cruel to any civilian group" they came across. They later left for Sudan. When reaching Sudan, Applicant a/0126/06 was given as a "wife" to another man and became a [REDACTED] "to the commander's pregnant women". She spent over six month in Sudan. After a while her group ran out of food and was forced to cross to Uganda to search for food. At the Sudan-Uganda border, they encountered resistance from the UPDF and were forced to retreat to Sudan.

But [REDACTED] ordered them to cross the border again, which they tried to do. Applicant a/0126/06 says that many children and women died and that in the end she and [REDACTED] other LRA fighters surrendered to the UPDF, allegedly in [REDACTED] 2003. As a result of these events, Applicant a/0126/06 claims to suffer from “psychological torture and mental derailment” because of “several deadly actions of killing, [REDACTED], slaughtering, eating dead human meat”. Applicant a/0126/06 also claims to suffer from [REDACTED] and [REDACTED] pain and believes she “[REDACTED]”. She also alleges that she was [REDACTED] by several men and suffers “too much embarrassment because of [REDACTED]”. Applicant a/0126/06 was allegedly beaten with a machete and “chopped with bayonets”, lost all her properties since the rebels looted them and set her house on fire, and complains that [REDACTED] was “completely broken” and that she does not know where [REDACTED] is.

188. In support of her statements, Applicant a/0126/06 names three individuals as victims of the events and two witnesses (family members). Applicant a/0126/06 does not submit any document in support of the injuries she allegedly sustained.
189. The events alleged by Applicant a/0126/06 appear to fall within the scope of the Situation<sup>176</sup> as follows: *ratione temporis*, since they occurred after the entry into force of the Statute, as well as the date specified by the Government of Uganda in its declaration of acceptance of jurisdiction; *ratione loci*, since they occurred in different places in Uganda;<sup>177</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
190. According to media reports, attacks by LRA rebels were reported in early September 2002 in [REDACTED] District.<sup>178</sup> There have also been repeated accounts of women and girls abducted by the LRA being [REDACTED] as “wives”

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<sup>176</sup> See above, para. 78.

<sup>177</sup> Due to the alternative set out in article 12 of the Statute, there is no need for the Single Judge to analyse the requirement of jurisdiction *ratione personae*.

<sup>178</sup> See [REDACTED].

of commanders.<sup>179</sup> However, none of the documents available to the Chamber refers to abductions committed during that period in [REDACTED], [REDACTED] District, or seems otherwise to corroborate the applicant's allegations to a satisfactory degree. Due to this lack of information, the Single Judge reserves the right to decide on the merits of application a/0126/06 upon receipt of a report from the VPRS as stated in paragraph 9 above.

*Applicant a/0127/06*

191. Application a/0127/06 is submitted by a [REDACTED] boy of Ugandan nationality. It is supported by a proof of identity consisting of [REDACTED],<sup>180</sup> and [REDACTED]<sup>181</sup> of the person acting on his behalf ([REDACTED]). In accordance with the principles set forth above, a decision on the merits of the application cannot be made until the Single Judge receives adequate proof of the link between the applicant and the person acting on his behalf.

*Appointment of legal representatives for victims allowed to participate in the Case and/or in the Situation*

192. It is the view of the Single Judge that, albeit not compulsory, at this stage, the appointment of a legal representative for the victims allowed to participate in the Case and/or in the Situation might still be appropriate, as it will prevent an adverse impact on the expeditiousness of the proceedings.<sup>182</sup> Since all victims allowed to participate so far in the Case claim to be victims of the same attack, the appointment of a common legal representative acting on behalf of all of them appears appropriate. The appointment of a common legal representative representing and protecting the interests of the victims in the context of the Situation also appears appropriate since the statements of the victims allowed to participate in the context of the Situation as of now present many similarities as regards the type of crimes involved. With regard to Applicants a/0117/06,

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<sup>179</sup> See [REDACTED].

<sup>180</sup> Referred to in the Report as [REDACTED].

<sup>181</sup> Referred to in the Report as [REDACTED].

<sup>182</sup> See also Decision on victims' applications for participation, paras. 80, 162.

a/0120/06, and a/0123/06, recognised as victims both in the Case and in the Situation, the Registrar should seek their views to determine whether they should be represented by the legal representative appointed for the victims in the Case or by the legal representative appointed for the victims in the context of the Situation. This, with a view to providing them with one interlocutor only, and to secure their uniform representation.<sup>183</sup>

193. As regards the applicants for whom a decision has been deferred due to deficiencies affecting the required identification documents, the Single Judge instructs the VPRS to contact them and make them aware of the need to submit proper identification documents.

*The role of the Office of Public Counsel for Victims (OPCV) vis-à-vis victims' participation in the Situation*

194. The Single Judge recalls<sup>184</sup> that, in the present scenario in which a number of applicant victims are not yet assisted by a legal representative, it remains the task of the OPCV, as the office entrusted with providing applicant victims with any support and assistance which may be appropriate at this stage: i) to inform victims "having communicated with the Court" of their rights and prerogatives; ii) in accordance with regulation 81(4) of the Regulations, to continue to provide support and assistance to victims, legal representatives for victims and applicant victims within the limits of its mandate,<sup>185</sup> and where necessary upon consultation with the VPRS and the Victims and Witnesses Unit.

**HAVING REGARD THERETO AND FOR THESE REASONS,**

**DECIDE** to file the Report and its annexes 1 and 2 as confidential, available only to VPRS, in the record of the Situation and in the record of the Case;

<sup>183</sup> *Ibid.*, para. 162.

<sup>184</sup> *Ibid.*, para. 164.

<sup>185</sup> See ICC-02/04-01/05-222, p. 4, 5.

**DECIDE** to file a redacted version of the Report and its annexes in the record of the Situation and in the record of the Case;

**DECIDE** that Applicants a/0094/06, a/0095/06, a/0103/06, a/0117/06, a/0120/06, a/0121/06, a/0123/06 and a/0124/06 be granted the status of victim in the Case and **REQUEST** the Registrar to assist them in appointing a common legal representative;

**DECIDE** that Applicants a/0065/06, a/0068/06, a/0093/06, a/0096/06, a/0117/06, a/0120/06 and a/0123/06 be granted the status of victim in the context of the Situation and **REQUEST** the Registrar to assist them in appointing a common legal representative;

**REQUEST** the Registrar to seek the views of applicant a/0117/06, a/0120/06 and a/0123/06 as regards by which legal representative they should be represented;

**DECIDE** that the status of victim in the context of the Situation cannot be granted to Applicant a/0089/06;

**REQUEST** the VPRS to submit, by 2 May 2008, a report containing any information that could corroborate the statements of Applicants a/0066/06, a/0070/06, a/0091/06, a/0092/06, a/0102/06, a/0115/06, a/0125/06 and a/0126/06, in accordance with paragraph 9 above;

**REQUEST** the VPRS to submit, by 2 May 2008, a report specifying which of the events described by Applicants a/0069/06, a/0088/06 and a/0114/06 occurred before

and after 1 July 2002 respectively and containing any information that could corroborate their statements, as stated in paragraphs 101, 115 and 154 above;

**REQUEST** the VPRS to submit, by 2 May 2008, a report providing clarification over the age and date of birth of Applicant a/0067/06, specifying which of the events described by him occurred before and after 1 July 2002 respectively, and containing any information that could corroborate his statements, as stated in paragraph 90 above;

**DECIDE** that decision on applications a/0010/06, a/0064/06, a/0081/06, a/0082/06, a/0084/06 to a/0087/06, a/0097/06, a/0099/06, a/0100/06, a/0104/06, a/0111/06, a/0113/06, a/0116/06 and a/0127/06 is deferred until the missing documents of each application, as indicated in this Decision, are submitted with regard to: i) the proof of identity of the applicant; ii) the proof of identity of the person acting on his/her behalf; iii) the proof of the link existing between the child applicant and the person acting on his/her behalf;

**REQUEST** the VPRS to contact Applicants a/0010/06, a/0064/06, a/0081/06, a/0082/06, a/0084/06 to a/0087/06, a/0097/06, a/0099/06, a/0100/06, a/0104/06, a/0111/06, a/0113/06, a/0116/06 and a/0127/06, in order to inform them of the need to submit proper identification documents;

**REQUEST** the OPCV to continue to inform victims "*having communicated with the Court*" of their rights and prerogatives, and to provide support and assistance to victims, legal representatives for victims and applicant victims, in accordance with regulation 81(4) of the Regulations.

Done in English and French, the English version being authoritative.

*Mauro Politi*

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**Judge Mauro Politi**  
**Single Judge**

Dated this 14 March 2008

At The Hague, The Netherlands.