

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/04  
Date: 17 November 2008

**PRE-TRIAL CHAMBER II**

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

**SITUATION IN UGANDA**

**Public redacted version**

**Decision on victims' applications for participation a/0066/06, a/0067/06, a/0069/06,  
a/0070/06, a/0083/06, a/0088/06, a/0091/06, a/0092/06, a/0102/06, a/0114/06, a/0115/06,  
a/0125/06 and a/0126/06**

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

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

**Counsel for the Defence**

Ms Michelyne C. Saint-Laurent

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

Ms Adesola Adeboyejo

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the  
Defence**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**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 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*”, dated 10 August 2007 and filed on 13 August 2007 in the record of the Situation<sup>2</sup> and in the record of the Case<sup>3</sup> (the “13 August 2007 Decision”);

**NOTING** the Single Judge’s “*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/0114/06, a/0111/06, a/0113/06 to a/0117/06, a/0120/06, a/0121/06 and a/0123/06 to a/0127/06*”, dated 14 March 2008 and filed on 17 March 2008 in the record of the Situation<sup>4</sup> and in the record of the Case<sup>5</sup> (the “17 March 2008 Decision”);

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

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

<sup>2</sup> ICC-02/04-100-Conf-Exp; ICC-02/04-101.

<sup>3</sup> ICC-02/04-01/05-251-Conf-Exp; ICC-02/04-01/05-252.

<sup>4</sup> ICC-02/04-124-Conf-Exp; ICC-02/04-125.

<sup>5</sup> ICC-02/04-01/05-281-Conf-Exp; ICC-02/04-01/05-282.

**HEREBY RENDER THIS DECISION:****Procedural history**

1. At the time of the 1 February 2007 Decision, 49 applications for participation in the Situation<sup>6</sup> and in the Case<sup>7</sup> had been filed with the Chamber on a confidential

<sup>6</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); 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>7</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).

basis. After several procedural developments,<sup>8</sup> the Single Judge issued the 13 August 2007 Decision, in which the applications were assessed.

2. The 13 August 2007 Decision was the first decision rendered on applications for participation in the Situation and in the Case. The Single Judge (i) established the criteria to be followed in the assessment of the merits of each application; (ii) granted the status of victim in the context of the Situation to two Applicants<sup>9</sup> and the status of victim of the Case to six Applicants<sup>10</sup> and (iii) deferred the decision on a number of applications. In particular, the decision on Application a/0083/06 was deferred until the Victims Participation and Reparation Section (the "VPRS") submitted a report containing any information that could corroborate his allegations.
3. In the 17 March 2008 Decision, the Single Judge (i) granted the status of victim in the context of the Situation to seven Applicants<sup>11</sup> and the status of victim of the Case to eight Applicants<sup>12</sup> and (ii) deferred a decision on two groups of applications.
4. 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 was deferred until missing documents were 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. As the Single Judge has yet to receive any of the missing documents requested, the decision remains deferred.

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<sup>8</sup> 13 August 2007 Decision, para. 4.

<sup>9</sup> a/0101/06, a/0119/06.

<sup>10</sup> a/0090/06, a/0098/06, a/0112/06, a/0118/06, a/0119/06, a/0122/06.

<sup>11</sup> a/0065/06, a/0068/06, a/0093/06, a/0096/06, a/0117/06, a/0120/06, a/0123/06.

<sup>12</sup> a/0094/06, a/0095/06, a/0103/06, a/0117/06, a/0120/06, a/0121/06, a/0123/06, a/0124/06.

5. Decision on Applications a/0066/07, a/0069/06, a/0070/06, a/0088/06, a/0091/06, a/0092/06, a/0102/06, a/0114/06, a/0115/06, a/0125/06 and a/0126/06 (the “12 Applications”) was deferred until the VPRS submitted a report:<sup>13</sup>
  - a. providing 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;<sup>14</sup>
  - b. 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;<sup>15</sup> and
  - c. 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 submitting any information that could corroborate his statements.<sup>16</sup>
  
6. On 2 May 2008, the Single Judge received the “*Report of the VPRS in accordance with the Decision on victims’ applications for participation dated 14 March 2008*”<sup>17</sup> (the “2 May 2008 VPRS Report”), whereby the Registry drew the attention of the Single Judge to certain issues relating to the availability of information corroborating incidents that might amount to crimes within the Court’s jurisdiction in Northern Uganda starting from 1 July 2002. In particular, the Registry referred to the “lack of consistent monitoring and recording of incidents in Northern Uganda until relatively recent”.<sup>18</sup>
  
7. The VPRS also reported having met with Applicants a/0067/06, a/0069/06, a/0088/06 a/0092/06 and a/0114/06, in respect of whom corroborating information was requested and for whom a signed statement was annexed to the 2 May 2008

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<sup>13</sup> 17 March 2008 Decision, para. 9

<sup>14</sup> *Ibid.*, paras. 86, 106, 124, 129, 149, 159, 185, 190.

<sup>15</sup> *Ibid.*, paras. 101, 15 and 154.

<sup>16</sup> *Ibid.*, para. 90.

<sup>17</sup> ICC-02/04-135-Conf-Exp.

<sup>18</sup> *Ibid.*, para. 4.

VPRS Report, together with a supplementary information form indicating how and when the information was received.<sup>19</sup>

### *Analysis of the Applications*

8. In light of the foregoing, the Single Judge will now review Application a/0083/06 and the 12 Applications (collectively, the "13 Applications") for which a decision has been deferred because of the deficiencies highlighted above. As explained in the 13 August 2007 Decision,<sup>20</sup> 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 therefore 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>21</sup> all relevant factors identified are to be proved to a level which might be considered satisfactory for the limited purposes of rule 85(a). Each statement by Applicant victims will therefore be assessed both on the merits of its intrinsic coherence and on the basis of information otherwise available to the Chamber.
  
9. The Single Judge also points out that all of the 13 Applications relate to participation in the Situation and recalls that, when Applicants refer to incidents that are not included in the warrants of arrest issued in the Case,<sup>22</sup> the statements made in support of their claim need to be corroborated by sufficient information from other sources (particularly, but not exclusively, the United Nations ("U.N.") and Non-Governmental Organisations reports), confirming at least to a high

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<sup>19</sup> *Ibid.*, para. 14.

<sup>20</sup> 13 August 2007 Decision, paras. 11 and 12.

<sup>21</sup> *Ibid.*, paras. 13-15.

<sup>22</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 Odhiambo" (ICC-02/04-01/05-56), "Warrant of Arrest for Dominic Ongwen" (ICC-02/04-01/05-57).

degree of probability the occurrence of the incidents related by the applicants, both in temporal and territorial terms.<sup>23</sup>

10. With a view to enhancing the clarity of the present decision, those applications having been rejected on the same grounds will be grouped and presented together.

**Applications rejected for falling out of the jurisdiction *ratione temporis* of the Court**

11. As regards Application a/0067/06, a/0069/06 and a/0114/06, in the 17 March 2008 Decision, the Single Judge was satisfied that the existence and identity of the Applicants as natural persons were duly established.<sup>24</sup>
12. A decision on these Applications was, however, deferred, in light of the need to receive from the VPRS clarification as to which of the events described by the Applicants occurred before and after 1 July 2002 respectively and providing any information that could corroborate their allegations.<sup>25</sup>
13. In light of the information provided in the 2 May VPRS Report, the alleged abductions of Applicants a/0067/06, a/0069/06 and a/0114/06 all occurred before the entry into force of the Statute.<sup>26</sup> As regards the other events described, the Applicants failed, in their statements, to specify which of such events occurred before and/or after 1 July 2002. As a consequence, the Single Judge is not in a position to hold that any of the events alleged by the Applicants fall within the jurisdiction *ratione temporis* of the Court.<sup>27</sup>

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<sup>23</sup> 13 August 2007 Decision, para. 106.

<sup>24</sup> 17 March Decision 2008, paras. 87, 98 and 151.

<sup>25</sup> *Ibid.*, paras. 90, 101 and 154.

<sup>26</sup> Applicant a/0067/06 alleges that he was abducted on [REDACTED] 1996 and escaped on [REDACTED] 2002; Applicant a/0069/06 alleges that he was abducted on [REDACTED] 2002 and escaped on [REDACTED] 2002; and Applicant a/0114/06 alleges that he was abducted around [REDACTED] 2002 and escaped around [REDACTED] 2003.

<sup>27</sup> 13 August 2007 Decision, para. 125.



14. As a result, Applicants a/0067/06, a/0069/06 and a/0114/06 cannot be granted the status of victim in the context of the Situation.

#### **Applications rejected for lack of adequate corroborating information**

15. As regards Application a/0070/06 and a/0083/06, the Single Judge was satisfied that the existence and identity of the Applicants as natural persons were duly established,<sup>28</sup> as well as that the alleged events appeared to fall within the jurisdiction of the Court.<sup>29</sup>
16. A decision on these Applications was, however, deferred, in light of the need to have access to information that could corroborate their allegations.<sup>30</sup>
17. As regards Application a/0070/06, the additional information provided in the 2 May 2008 VPRS Report are too general and/or not relevant in order to corroborate the Applicant's allegations. As regards Application a/0083/06, the Single Judge has not received any of the additional information requested in order to corroborate the Applicant's allegations.
18. As a result, Applicant a/0070/06 and Applicant a/0083/06 cannot be granted the status of victim in the context of the Situation.

#### **Applications admitted**

19. As regards Applications a/0066/06, a/0091/06, a/0102/06, a/0115/06, a/0125/06, a/0126/06 in the 17 March 2008 Decision, the Single Judge was satisfied that the existence and identity of the Applicants as natural persons were duly

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<sup>28</sup> As regards Applicant a/0070/06, 17 March 2008 Decision, para. 102 and, as regards Applicant a/0083/06, 13 August 2007 Decision, para. 122.

<sup>29</sup> As regards Applicant a/0070/06, 17 March 2008 Decision, para. 105 and, as regards Applicant a/0083/06, 13 August 2007 Decision, para. 125.

<sup>30</sup>As regards Applicant a/0070/60, 17 March 2008 Decision, para. 106, and as regards Applicant a/0083/06, 13 August 2007 Decision, para. 126.

established<sup>31</sup>, as well as that the alleged events appeared to fall within the jurisdiction of the Court.<sup>32</sup>

20. A decision on these Applications was, however, deferred, in light of the need to have access to information that could corroborate their allegations.<sup>33</sup>

*Applicant a/0066/06*

21. In light of the information provided in the 2 May VPRS Report, many aspects of the Applicant's allegations appear to be corroborated from external sources. The presence of the Lord's Resistance Army ("LRA") in the area of [REDACTED] and [REDACTED] Sub-Counties is evidenced by a media report.<sup>34</sup> In particular, according to the same source, incidents occurred in the villages of [REDACTED] and [REDACTED], in the area of [REDACTED] Sub-County, [REDACTED], as [REDACTED] of [REDACTED],<sup>35</sup> allegedly killed by the [REDACTED] on [REDACTED] 2003 in [REDACTED] District, which borders [REDACTED].<sup>36</sup> The Applicant refers to [REDACTED] as the commander who led one of the groups from which he escaped. Moreover, the allegations of Applicant a/0066/06 seem to be corroborated by statements of [REDACTED] and [REDACTED]<sup>37</sup>, who were abducted from the area of [REDACTED] on [REDACTED] 2003, and by statements of Applicant [REDACTED]<sup>38</sup>, who reports the presence of the LRA in the area between [REDACTED], [REDACTED] and [REDACTED] Districts, which border [REDACTED] and [REDACTED] Sub-Counties, for over three months. Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0066/06 appear to be supported by sufficient information.

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<sup>31</sup> 17 March Decision, paras. 82, 120, 145, 155, 181 and 186.

<sup>32</sup> *Ibid.*, paras. 85, 123, 148, 158, 184 and 189.

<sup>33</sup> *Ibid.*, paras. 86, 124, 149, 159, 185 and 190.

<sup>34</sup> The Monitor, [REDACTED] 2003, "[REDACTED]".

<sup>35</sup> *Ibid.*

<sup>36</sup> BBC News, [REDACTED] 2003, "[REDACTED]".

<sup>37</sup> [REDACTED].

<sup>38</sup> On Applicant [REDACTED], [REDACTED].

22. The physical injuries alleged by Applicant a/0066/06 might reasonably be the result of having been shot [REDACTED] while escaping. Accordingly, they appear to constitute physical harm within the meaning of rule 85 of the Rules.
23. In light of the above, Applicant a/0066/06 is granted the status of victim in the context of the Situation.

*Applicant a/0091/06*

24. In light of the information provided in the 2 May VPRS Report, many aspects of the Applicant's allegations appear to be corroborated from external sources. According to a media report, the LRA was active in the area of [REDACTED] at the beginning of [REDACTED] 2003<sup>39</sup>. Another report refers to fighting between the UPDF and the LRA in [REDACTED] in [REDACTED] 2003 and indicates that [REDACTED] District was first attacked [REDACTED] 2003 by the LRA rebels.<sup>40</sup> Moreover, the allegations of Applicant a/0091/06 regarding the movements of the LRA rebels between [REDACTED], [REDACTED] and [REDACTED] Districts in [REDACTED] 2003 are confirmed by the allegations of Applicants [REDACTED]<sup>41</sup> ([REDACTED] and [REDACTED]) and [REDACTED]<sup>42</sup> ([REDACTED]). Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0091/06 appear to be supported by sufficient information.
25. The physical injuries and the psychological trauma alleged by Applicant a/0091/06 might reasonably be the result of carrying heavy loads and 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.
26. In light of the above, Applicant a/0091/06 is granted the status of victim in the context of the Situation.

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<sup>39</sup> The Monitor, [REDACTED] 2003, "[REDACTED]".

<sup>40</sup> IRIN, [REDACTED] 2003, "[REDACTED]".

<sup>41</sup> [REDACTED].

<sup>42</sup> [REDACTED].

*Applicant a/0102/06*

27. In light of the information provided in the 2 May 2008 VPRS Report, many aspects of the Applicant's allegations appear to be corroborated from external sources. Several sources indicate that the LRA had been fighting and attacking the population in the Northern Ugandan District of [REDACTED] in 2004.<sup>43</sup> In [REDACTED] 2004, the LRA was reported to be "still active" in the [REDACTED] District.<sup>44</sup> Furthermore, there is evidence of an attack in [REDACTED] 2004 during which "the rebels [REDACTED] of a woman before she was set free "[REDACTED]".<sup>45</sup> [REDACTED].<sup>46</sup> Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0102/06 appear to be supported by sufficient information.
28. The physical injuries and the psychological trauma alleged by Applicant a/0102/06 might reasonably be the result of having [REDACTED] and 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.
29. In light of the above, Applicant a/0102/06 is granted the status of victim in the context of the Situation.

*Applicant a/0115/06*

30. In light of the information provided in the 2 May 2008 VPRS Report, many aspects of the Applicant's allegations appear to be corroborated from external sources. Many reports point out that children and adults were abducted in Northern Uganda from the beginning of the conflict, and particularly during 2002 and

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<sup>43</sup> OCHA-IRIN, [REDACTED] 2005, "[REDACTED]"; AFP, [REDACTED] 2004, "[REDACTED]"; AFP, [REDACTED] 2004, "[REDACTED]"; OCHA, [REDACTED] 2004, "[REDACTED]"; AFP, [REDACTED] 2004, "[REDACTED]"; Xinhua News Agency, [REDACTED] 2004, "[REDACTED]".

<sup>44</sup> OCHA, [REDACTED] 2004, "[REDACTED]".

<sup>45</sup> World Food Programme, [REDACTED] 2004, "[REDACTED]".

<sup>46</sup> New Vision, [REDACTED] 2006, "[REDACTED]".

2003.<sup>47</sup> Several sources indicate that the LRA was fighting and attacking the population in the northern Ugandan District of [REDACTED] in 2003.<sup>48</sup> Furthermore, there is evidence of the presence of LRA rebels, at [REDACTED] 2003, in the area of [REDACTED], [REDACTED] District,<sup>49</sup> an area which the rebels are likely have passed through on their way from [REDACTED], [REDACTED] District, to [REDACTED] in the [REDACTED] District, as alleged by Applicant [REDACTED]. Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0115/06 appear to be supported by sufficient information.

31. The physical injuries and the psychological trauma alleged by Applicant a/0115/06 might reasonably be the result of [REDACTED] 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.
32. In light of the above, Applicant a/0115/06 is granted the status of victim in the context of the Situation.

*Applicant a/0125/06*

33. In light of the information provided in the 2 May 2008 VPRS Report, many aspects in the Applicant's allegation appear to be corroborated from external sources. According to Office for the Coordination of Humanitarian Affairs (OCHA), the

<sup>47</sup> 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>48</sup> OCHA-IRIN, [REDACTED] 2005, "[REDACTED]": "[REDACTED]"; [REDACTED], "[REDACTED]" [REDACTED]: "[REDACTED]"; OCHA, Humanitarian Update-Uganda, Vol. [REDACTED], Issue [REDACTED]: "[REDACTED]"; OCHA-IRIN, [REDACTED] 2003 "[REDACTED]".

<sup>49</sup> OCHA, Humanitarian Update – Uganda, Volume [REDACTED], Issue [REDACTED], [REDACTED] 2003; International Federation of Red Cross And Red Crescent Societies, [REDACTED] 2003, "Hope for Ugandan displaced as Red Cross resumes activities in North".

LRA started attacking the [REDACTED] from [REDACTED] 2003,<sup>50</sup> and [REDACTED] District was one of the most trouble-afflicted regions up to [REDACTED] 2003,<sup>51</sup> with continuous reports of attacks throughout [REDACTED] 2003.<sup>52</sup> Furthermore, there is evidence of killings and abductions in [REDACTED] 2003 in [REDACTED] Village, in [REDACTED] Sub-County, a Sub-County which adjoins [REDACTED] Sub-County.<sup>53</sup> Moreover, the statements by Applicants [REDACTED]<sup>54</sup> and [REDACTED]<sup>55</sup> appear to corroborate the allegations of Applicant a/0125/06, namely as regards as the presence of the LRA in [REDACTED] in the second half of 2003. Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0125/06 appear to be supported by sufficient information.

34. The physical injuries and the psychological trauma alleged by Applicant a/0125/06 might reasonably be the result of being beaten several times 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.
35. In light of the above, Applicant a/00125/06 is granted the status of victim in the context of the Situation.

*Applicant a/0126/06*

36. In light of the information provided in the 2 May 2008 Report, many aspects of the Applicant's allegations appear to be corroborated from external sources. According to media reports, there is evidence of attacks by LRA rebels in

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<sup>50</sup> OCHA-IRIN, [REDACTED] 2003, "[REDACTED]".

<sup>51</sup> OCHA-IRIN, [REDACTED] 2003, "[REDACTED]".

<sup>52</sup> OCHA-IRIN, [REDACTED] 2003, "[REDACTED]"; OCHA-IRIN, [REDACTED] 2003, "[REDACTED]".

<sup>53</sup> OCHA-IRIN, [REDACTED] 2003, "[REDACTED]".

<sup>54</sup> [REDACTED].

<sup>55</sup> [REDACTED].

[REDACTED] 2002 in [REDACTED] District.<sup>56</sup> There have also been repeated accounts of women and girls abducted by the LRA being sexually enslaved as “wives” of commanders.<sup>57</sup> Another media report points out that the LRA hacked to death and mutilated [REDACTED] civilians in [REDACTED] and [REDACTED].<sup>58</sup> Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0126/06 appear to be supported by sufficient information.

37. The physical injuries and the psychological trauma alleged by Applicant a/0126/06 might reasonably be the result of being [REDACTED] and [REDACTED], as well as 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. She also appears to have suffered from economic loss.
38. In light of the above, Applicant a/0126/06 is granted the status of victim in the context of the Situation.

*Applicant a/0088/06*

39. In the 17 March 2008 Decision, the Single Judge was satisfied that the existence and identity of Applicant a/0088/06 as a natural person were duly established.<sup>59</sup>
40. A decision on this Application was, however, deferred, in light of the need to receive from the VPRS clarification as to which of the events described by the Applicant occurred before and after 1 July 2002 respectively and providing any information that could corroborate their allegations.<sup>60</sup>

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<sup>56</sup> News from Africa, [REDACTED] 2002, “[REDACTED]”.

<sup>57</sup> Human Rights Watch, “Stolen Children: Abduction and Recruitment in Northern Uganda”, March 2003, Vol. 15, No. 7 (A), p. 14 and 15.

<sup>58</sup> The Monitor, [REDACTED] 2008, “[REDACTED]”.

<sup>59</sup> 17 March 2008 Decision, para. 112.

<sup>60</sup> *Ibid.*, para. 115.

41. In his last statement – annexed to the 2 May 2008 VPRS Report<sup>61</sup> – Applicant a/0088/06 corrects the date of his alleged abductions, stating that he was abducted on [REDACTED] 2003 – and not on [REDACTED] 2002, as initially alleged.
42. The events alleged by Applicant a/0088/06 appear, therefore, to fall within the scope of the Situation<sup>62</sup> and of the jurisdiction of the Court 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>63</sup> and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
43. In light of the information provided in the 2 May 2008 VPRS Report, many aspects of the Applicant's allegations appear to be corroborated from external sources. There is evidence that the LRA fought in the area of the Districts of [REDACTED] and [REDACTED] during the [REDACTED] 2003.<sup>64</sup> According to the same source, "the once quiet district [of [REDACTED]] was now the target of a full-scale LRA offensive" since it was already "attacked [REDACTED] 2003 by the rebels as part of an unprecedented push to the [REDACTED]. Ever since then, it has suffered periodic LRA attacks against civilian targets." <sup>65</sup> Applicant a/0088/06 refers to movements of the LRA between [REDACTED], [REDACTED] and [REDACTED] districts for over [REDACTED] months where they were fighting the UPDF. Applicant a/0088/06 also refers to the death of [REDACTED], which was reported on [REDACTED] 2003,<sup>66</sup> when the Applicant was still with the LRA. Accordingly, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0088/06 appear to be supported by sufficient information.

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<sup>61</sup> Annex 4 to the 2 May 2008 VPRS Report.

<sup>62</sup> 13 August 2007 Decision, para. 125.

<sup>63</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>64</sup> IRIN, [REDACTED] 2003, "[REDACTED]".

<sup>65</sup> *Ibid.*

<sup>66</sup> BBC News, [REDACTED] 2003, "[REDACTED]".



44. The physical injuries and the psychological trauma alleged by Applicant a/0088/06 might reasonably be the result of the beating suffered 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. He also appears to have suffered economic loss.
45. In light of the above, Applicant a/0088/06 is granted the status of victim in the context of the Situation.

*Applicant a/0092/06*

46. In the 17 March 2008 Decision, the Single Judge was satisfied that the existence and identity of Applicant a/0092/06 as a natural person were duly established<sup>67</sup> as well as that the alleged events appeared to fall within the jurisdiction of the Court.<sup>68</sup>
47. A decision on this Application was, however, deferred, in light of the need to receive from the VPRS clarification as to the discrepancy between the alleged date of the abduction ([REDACTED] 2003) and the date of the destruction of the [REDACTED] in [REDACTED] ([REDACTED] 2002), a destruction the Applicant alleges to have occurred two days after his abduction. The VPRS was also requested to provide any information that could corroborate his allegations.<sup>69</sup>
48. In his additional statement – annexed to the 2 May 2008 VPRS Report<sup>70</sup> – Applicant a/0092/06 corrects the date of his alleged abductions, stating that the events occurred in [REDACTED] 2002.
49. In light of the information provided in the 2 May 2008 VPRS Report, the core statements of the Applicant appear to be corroborated by information from external sources. He alleges that the [REDACTED] was destroyed a couple of days after his

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<sup>67</sup> 17 March 2008 Decision, para. 125.

<sup>68</sup> *Ibid.*, para. 128.

<sup>69</sup> *Ibid.*, para. 129

<sup>70</sup> See Annex 5 to the 2 May 2008 VPRS Report.

abduction. This is consistent with media reports, according to which the [REDACTED] in [REDACTED] was destroyed by the LRA on [REDACTED] 2002.<sup>71</sup>

50. The physical injuries alleged by Applicant a/00092/06 might reasonably be the result of being beating and carrying heavy loads. Accordingly, they appear to constitute physical harm within the meaning of Rule 85. He also appears to have suffered economic loss.
51. In light of the above, Applicant a/0092/06 is granted the status of victim in the context of the Situation.

### **Appointment of legal representatives for victims allowed to participate in the Situation**

52. As held in both the 13 August 2007 Decision<sup>72</sup> and the 17 March 2008 Decision<sup>73</sup>, it is the view of the Single Judge that, albeit not compulsory, the appointment at this stage of a legal representative for the victims allowed to participate in the Situation is appropriate. Since the statements of Applicants a/0066/06, a/0088/06, a/0091/06, a/0092/06, a/0102/06, a/0115/06, a/0125/06 and a/0126/06 present numerous similarities, both among themselves and in respect of the victims admitted at an earlier stage in the present proceedings, as regards the type of crimes they have involved, it appears appropriate that they be represented jointly with the other victims of the Situation. Accordingly, Ms Adesola Adebeyejo, Counsel in the Office of Public Counsel for Victims (the "OPCV"), is appointed legal representative of all the Applicants granted the status of victim in the context of the Situation by the present decision.

<sup>71</sup> BBC News, [REDACTED] 2002, "[REDACTED]"; Afrol News, [REDACTED] 2002, "[REDACTED]".

<sup>72</sup> See 13 August 2007 Decision, para. 162.

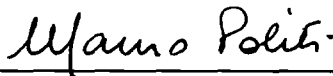
<sup>73</sup> See 17 March 2008 Decision, para. 192.

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

**DECIDE** that the status of victim in the context of the Situation cannot be granted to Applicants a/0067/06, a/0069/06, a/0070/06, a/0083/06 and a/0114/06;

**DECIDE** that Applicants a/0066/06, a/0088/06, a/0091/06, a/0092/06, a/0102/06, a/0115/06, a/0125/06, a/0126/06 be granted the status of victim in the context of the Situation and **APPOINT** Ms Adesola Adeboyejo as a common legal representative.

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



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

Dated this Monday 17 November 2008

At The Hague, The Netherlands.