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No.: ICC-02/04-01/15
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TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Raul C. Pangalangan

SITUATION IN UGANDA

IN THE CASE OF *THE PROSECUTOR v. DOMINIC ONGWEN*

Public
With
610 confidential annexes *EX PARTE* only available to the Registry and the
Prosecutor
610 confidential redacted annexes
and one confidential annex

Second Report on Applications to Participate in the Proceedings

Source: Registry

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

The Office of the Prosecutor

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Mr. James Stewart
Mr. Benjamin Gumpert

Counsel for the Defence

Mr. Krispus Ayena Odongo

Legal Representatives of Victims

Mr. Joseph Akwenyu Manoba and
Mr. Francisco Cox

Legal Representatives of Applicants

Ms. Paolina Massidda

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

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REGISTRY

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**Victims Participation and Reparations
Section**

Ms. Isabelle Guibal

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I. Introduction

1. The Registry hereby submits to Trial Chamber IX (“Chamber”) its second report on victims’ applications to participate in the proceedings in the case *The Prosecutor v. Dominic Ongwen* (“Ongwen case”), together with annexes containing 610 applications.

II. Procedural history

2. From 18 September to 7 December 2015, during the pre-trial stage of the proceedings in the *Ongwen* case, the Registry transmitted to Pre-Trial Chamber II and to the parties four separate reports on applications to participate in the proceedings,¹ following which 2,026 victims were admitted to participate at the confirmation of charges hearing.²
3. On 4 and 23 May 2016, the Single Judge of Trial Chamber IX (“Single Judge”) ordered that the victim application procedure for participation adopted at the pre-trial stage of the *Ongwen* case remain in place at the trial stage of the proceedings (“Single Judge’s Order”).³
4. On 30 May 2016, the Chamber set a deadline of 6 October 2016 for the transmission of all victims applications for participation in the proceedings.⁴

¹ Registry, “[...] Report on Applications to Participate in the Proceedings”, dated 18 September 2015, 26 October 2015, 18 November 2015 and 7 December 2015, respectively ICC-02/04-01/15-303 and ICC-02/04-01/15-304 and annexes; ICC-02/04-01/15-327 and annexes; ICC-02/04-01/15-344 and annexes; and ICC-02/04-01/15-365 and annexes.

² Pre-Trial Chamber II, “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights”, dated 27 November 2015, ICC-02/04-01/15-350 and Pre-Trial Chamber II, “Second decision on contested victims’ applications for participation and legal representation of victims”, dated 24 December 2015, ICC-02/04-01/15-384.

³ Trial Chamber IX, “Order Scheduling First Status Conference and Other Matters”, dated 4 May 2016, ICC-02/04-01/15-432, para. 4, and Oral Order issued during the status conference of 23 May 2016, ICC-02/04-01/15-T-25-ENG (ET WT), p. 29, lines 23-24.

⁴ Trial Chamber IX, “Decision Setting the Commencement Date of the Trial”, dated 30 May 2016, ICC-02/04-01/15-449, p.7.

5. To date, the Registry has collected approximately 2,100 applications for participation over the course of four field missions.⁵
6. On 2 September 2015, the Registry has transmitted to the Trial Chamber and parties a first batch of 300 applications linked to the *Ongwen* case together with a report thereon (“First report”).⁶
7. The Registry has prepared for transmission to the Trial Chamber and the parties a further 610 applications which the Registry assessed as complete and linked to the Ongwen case (“Applications”). 460 applications filed in the present transmission fall within the group “Attack on the Abok IDP camp”, and 150 applications fall within the group “Attack on the Odek⁷ IDP camp”.⁸
8. The Registry hereby transmits its second report on applications to participate in the proceedings, along with confidential Annexes 1 to 610 *EX PARTE* only available to the Registry and the Prosecutor, which contain unredacted versions of the Applications; confidential Annexes 1 to 610, which contain redacted versions of the Applications; and confidential Annex 611 which

⁵ Missions took place on 5-12 July 2016, 18-26 July 2016, 10-19 August 2016 and 5-9 September 2016. Around 770 applications collected relate to the Attack on the Abok IDP camp, approximately 600 applications relate to the Attack on the Odek IDP camp, around 670 applications relate to the attack on the Pajule-Lapul IDP camp and 60 applications relate to the attack on the Lukodi camp as well as to sexual and gender based crimes and the crimes of conscription and use of child soldiers committed in Northern Uganda. These figures include duplicate applications received.

⁶ Registry, “First Report on Applications to Participate in the Proceedings”, dated 2 September 2016, notified on 5 September 2016, ICC-02/04-01/15-530.

⁷ As from 1 July 2016 Odek is no longer part of Gulu district, but a sub-county in the newly created Omoro district.

⁸ Pursuant to the practice followed at the pre-trial stage of the proceedings (see Pre-Trial Chamber II, “Decision Establishing Principles on the Victims’ Application Process”, dated 4 March 2015, ICC-02/04-01/15-205, para. 29), all applications are grouped according to the main incidents laid out in Pre-Trial Chamber II’s “Decision on the confirmation of charges against Dominic Ongwen”, dated 23 March 2016, ICC-02/04-01/15-422-Red (“Decision Confirming the Charges”). These include the attacks on, respectively, Pajule IDP camp, Odek IDP camp, Lukodi IDP camp, Abok IDP camp. There are also two groups corresponding to categories of alleged thematic crimes as separately outlined in the Decision: sexual and gender based crimes, and conscription and use of child soldiers. Applications that may fall within two groups because they refer to both crimes committed inside one of the IDP camps as well as thematic crime(s) have been grouped in the group pertaining to the relevant IDP camp. Out of the 610 applications transmitted, 30 applicants allege having suffered harm as a result of sexual and gender based crimes, 8 applicants refer to the crimes of conscription and use of child soldiers and 2 applicants claim to have suffered harm both as a result of sexual and gender based crimes and the crimes of conscription and use of child soldiers.

contains the Registry's assessment of the Applications against the requirement of rule 85 of the Rules of Procedure and Evidence ("Rules").

III. Classification

9. Pursuant to regulation 23*bis*(1) of the Regulations of the Court ("RoC"), the annexes to this document, which include the Registry's assessment of the Applications against the requirements of rule 85 of the Rules, as well as both redacted and unredacted versions of the Applications, are respectively classified as "Confidential" and "Confidential *EX PARTE*, only available to the Registry and the Prosecutor" since they contain sensitive information which may lead to the identification of the applicants.⁹

IV. Applicable Law

10. The Registry submits the present report in accordance with article 68(1) and (3) of the Rome Statute ("Statute"), rules 16, 85 and 89(1) of the Rules, regulation 86 of the RoC and regulations 105 to 109 and 123(1) of the Regulations of the Registry ("RoR"), and in accordance with the Single Judge's Order.

V. Submissions

A. Further activities carried out in the field to enable victims to apply for participation in the proceedings

⁹ Trial Chamber IX, "Decision on Disclosure of Victims' Identities", dated 17 June 2016, ICC-02/04-01/15-471, para. 12; Pre-Trial Chamber II, "Decision concerning the procedure for admission of victims to participate in the proceedings in the present case", dated 3 September 2015, ICC-02/04-01/15-299, para. 6.

11. In addition to the activities presented in its first report on applications to participate in the proceedings,¹⁰ the Registry conducted, between 5 and 9 September 2016, one additional application completion process in Northern Uganda and collected a further 60 applications for participation in proceedings.
12. Furthermore, community leaders from Odek and Pajule - Lapul presented the Registry with two lists containing the names of 398 and 4,462 potential applicants respectively, who wanted to fill in application forms, but were not able to do so at this stage of the proceedings given the deadline set up by the Chamber and the limited resources of the Registry.¹¹

B. Explanation of the assessment criteria applied by the Registry

13. For an explanation of the assessment criteria applied, the Registry refers to its previous explanation included in the First Report.¹²

C. Legal Representation

14. The Registry notes that 558 of the applicants whose Applications are transmitted with the current report have answered that they are or would like to be represented in the proceedings by Mr. Joseph Manoba and/or Mr. Francisco Cox ("External Counsel"). The remaining 52 applicants have not

¹⁰ Registry, "First Report on Applications to Participate in the Proceedings", dated 2 September 2016, notified on 5 September 2016, ICC-02/04-01/15-530, paras. 9-15.

¹¹ The community leaders indicated that more people showed interest in participating in the process but could not be registered on these lists because the community leaders lacked resources to reach out to them. These lists are available to the Trial Chamber only, upon request.

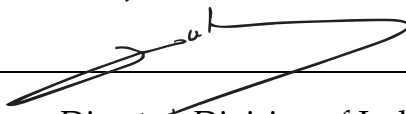
¹² Registry, "First Report on Applications to Participate in the Proceedings", dated 2 September 2016, notified on 5 September 2016, ICC-02/04-01/15-530, paras. 16-26.

appointed any counsel in their application form for participation in the proceedings.¹³

15. Pursuant to regulation 123(1) of the RoR, the Registry has sent letters to the External Counsel acknowledging receipt of the applications in which they have been designated legal representative by the victim applicants.¹⁴

D. Further transmissions of applications

16. The Registry is scheduling one last transmission of applications by the deadline of 6 October 2016 for the transmission of the remaining applications for participation in the proceedings that were assessed by the Registry as complete and linked to the *Ongwen* case.



 Marc Dubuisson, Director, Division of Judicial Services
per delegation of Herman von Hebel, Registrar

Dated this 26 September 2016

At The Hague, The Netherlands

¹³ a/00776/16; a/00777/16; a/00779/16; a/00784/16; a/00801/16; a/00804/16; a/00807/16; a/00808/1; a/00812/16; a/00823/16; a/00824/16; a/00826/16; a/00827/16; a/00828/16; a/00829/16; a/00832/16; a/00833/16; a/00834/16; a/00836/16; a/00838/16; a/00847/16; a/00849/16; a/00850/16; a/00851/16; a/00852/16; a/00853/16; a/00860/16; a/00893/16; a/00894/16; a/00897/16; a/00898/16; a/00911/16; a/00912/16; a/00915/16; a/00916/16; a/00918/16; a/00919/16; a/00920/16; a/00921/16; a/00922/16; a/00923/16; a/00925/16; a/00962/16; a/00970/16; a/00971/16; a/00972/16; a/00973/16; a/00974/16; a/00975/16; a/00976/16; a/00977/16; a/00978/16. The Registry recalls the Single Judge's decision to appoint counsel from the Office of Public Counsel for Victims as common legal representative for victims participating in the proceedings who are currently unrepresented - see Pre-Trial Chamber II's "Decision on contested victims' applications for participation, legal representation of victims and their procedural rights", dated 27 November 2015, ICC-02/04-01/15-350, para. 19.

¹⁴ Letters of acknowledgment of receipt of powers of attorney were sent to the External Counsel on 12 and 22 August 2016 and 16 September 2016.