

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/04-01/05

Date: 14 March 2008

**PRE-TRIAL CHAMBER II**

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

**Registrar: Mr Bruno Cathala**

**SITUATION IN UGANDA  
IN THE CASE OF  
THE PROSECUTOR  
*v. JOSEPH KONY, VINCENT OTTI, OKOT ODHIAMBO, DOMINIC ONGWEN***

**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, a0064/06 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, and 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-

<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 Odhiambo" (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.

<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

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<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

<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

<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

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<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

<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;

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<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.



**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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1. This report is submitted in accordance with the 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, issued by the Single Judge on 10 August 2007.<sup>2</sup> In this Decision, the Single Judge asked the Victims Participation and Reparation Section (VPRS) to submit a report on the identity documents available in the Ugandan legal and administrative system, having special regard to the questions raised in paragraph 20 of the said Decision.
2. Since the VPRS has noted that applicants to participate in proceedings in the situation in Uganda and/or the case *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhumbo and Dominic Ongwen* appear to experience difficulties in providing other supporting documentation also, this report also includes information regarding death certificates and documents that are required to be produced by applicants that are organisations or institutions under rule 85(b) of the Rules of Procedure and Evidence.
3. This report addresses the following issues:
  - I. Identity documents issued by the Ugandan legal and administrative system
  - II. Other documents commonly used to prove identity in Uganda
  - III. Documents relating to children
  - IV. Documents supporting applications from organisations or institutions
  - V. Difficulties experienced by applicants in producing copies of documentation
  - VI. Conclusions and recommendations
4. Under each heading, the report explains what information is contained in the document, how the document is issued and by whom, and information regarding the take-up rate (if available) and/or any difficulties that applicants within the situation in Uganda might face in providing such documentation.
5. The information contained in this report was obtained by the following means:
  - (a) Interviews conducted between July and September 2007 by staff of the VPRS with informants in Kampala and Northern Uganda including Ugandan government officials, individual lawyers, research institutes, representatives of international agencies, representatives of civil society organisations, Internally Displaced People (IDPs) and former abductees. A list of persons interviewed is attached as Annex 1; notes of these interviews are on file with VPRS; and
  - (b) Interviews conducted during September 2007 by a legal consultant who conducted interviews of 27 informants including camp leaders in camps for the internally displaced (IDP camps), local council representatives, court officials, lawyers, police officers, bank managers and representatives of international agencies in Gulu and Amuri Districts in Northern Uganda.<sup>3</sup> A record of these consultations is on file with VPRS.
6. Sample copies of each of the documents used in practice in Uganda to prove identity are attached to this report as Annex 2.

<sup>2</sup> ICC-02/04-100-Conf-Exp and ICC-02/04-01/05-251-Conf-Exp

<sup>3</sup> Komakech-Kilama & Co. Advocate, October 2007.

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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## I. Documents Issued by the Ugandan Legal and Administrative System

### Introduction

7. There are no official identity cards issued by the Government of Uganda.<sup>4</sup> Whilst plans for introducing national identity cards had been debated in the Ugandan Parliament, they were shelved in 2003 due to the fact that the procurement process was tainted by accusations of malpractice, bribery and corruption.
8. In the absence of official identity cards, other documents issued by different governmental authorities have come to serve as proof of identity in practice. Among these are voter cards issued by the Electoral Commission, birth certificates issued by the Uganda Registration Services Bureau, driving permits administered by the Uganda Police Forces and resident permits issued by local councils.
9. In addition, where Ugandans are required to prove their identity, they 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.
10. All of these documents and others are listed and described below. However, since there is no requirement to obtain any of these documents unless they are needed for a specific purpose,<sup>5</sup> and the procedures for obtaining most of the documents are lengthy, expensive and difficult, many Ugandans simply do not take the steps that are required to obtain them.<sup>6</sup> This is particularly marked among certain sectors of the population such as women and people living in rural areas.<sup>7</sup> Many people in Northern Uganda do not obtain documentation until adulthood, and even then the most common forms are residents permits issued by local authorities for IDPs, and employment identity cards in the towns.<sup>8</sup> The lack of proper identification documents was mentioned by many informants as a major problem in Uganda.<sup>9</sup>

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<sup>4</sup> This was confirmed to the VPRS by the Electoral Commission (interview with ██████████ on 10 September 2007), Advocates MMAKS (letter to the VPRS dated 24 September 2007 - see Annex 3) and numerous other informants interviewed.

<sup>5</sup> According to informants the purposes for which people might require identity documents include the following: security reasons (during times of intensive rebel activities people wish to be able to prove that they are not rebels), travel within the country, to stand as a surety in the courts, to vote, to open a bank account, to take up certain employment such as teaching, to prove parenthood in case of legal dispute over a child, to register for national examinations (information provided by Komakech-Kilama & Co Advocate, October 2007).

<sup>6</sup> This was mentioned by many informants including ██████████ Centre for Basic Research (interview by VPRS staff, 6 September 2007)

<sup>7</sup> Komakech-Kilama & Co found that it was very common for women to live their lives without any formal form of identification.

<sup>8</sup> Komakech-Kilama & Co found that informants overwhelmingly stated that possessing some form of identification became increasingly crucial towards adulthood but that due to the difficulties in obtaining all documents, the most common forms of identity in Gulu and Amuru Districts were the residents permit for IDPs and the employment identity card for urban dwellers (information provided by Komakech-Kilama & Co Advocate, October 2007).

<sup>9</sup> This was also noted as one of the findings of "Ugandans Decide", Final Report of the Democracy Monitoring Group on Presidential and Parliamentary elections 2006, July 2006, page 23.

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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11. However, since statistics are not collected on the take up rates of the various forms of documentation used in Uganda, in most cases it was not possible for VPRS to obtain accurate information on how many people possess them. In this report the VPRS has therefore relied largely upon the results of interviews with various informants as well as small number of research reports. Only in the case of voter cards were statistics available.
12. Given that all applicants to participate in proceedings are from Northern Uganda and many either are or have been IDPs, in preparing this report the VPRS sought out in particular information on the context in the North of the country and IDP communities.

**Passport**

**How the document is issued and by whom:**

13. The issuing of a passport is handled by the Ministry of Internal Affairs under its Immigration Department which is located in Kampala. The Mandate of the Immigration Department is to facilitate, monitor and control the movement of persons (both citizens and non citizens) in and out of Uganda. It executes its mandate through the processing of Ugandan Passports and other travel documents. In order to obtain a passport, an applicant must fill in an application form, seek endorsement from different prescribed offices, pay a processing fee of not less than 30 US Dollars and undergo a waiting period of not less than three months. The passport when issued is valid for a period of ten years.

**What information is contained in the document:**

14. Ugandan passports contain a photograph of the holder as well as the name and date of birth and other details.

**Take-up rate and difficulties experienced in obtaining:**

15. The VPRS was unable to find publicly available statistics regarding the number of Ugandan citizens issued with passports, but was informed that it is limited to the elite and business classes who frequently travel out of the country. It should be pointed out that much as having a passport is right available to all Ugandans, most citizens do not have them for the following reasons:<sup>10</sup>
- (a) The cost of obtaining it puts it out of reach of many Ugandans;
  - (b) Obtaining a passport requires a person to travel to Kampala, further increasing costs in terms of transport and accommodation,
  - (c) The process of obtaining all the required supporting documentation and verification is lengthy and prohibitive; and
  - (d) They are only required for travel outside the country so most people do not see the need to obtain them.

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<sup>10</sup> Among the informants who noted these points were UNICEF (interview by VPRS staff with [REDACTED] [REDACTED] 25 September 2007) and MS Uganda [REDACTED] MS Uganda and Danish Association for International Cooperation, interview by VPRS staff on 10 September 2007).

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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**Voter Card**

**How the document is issued and by whom:**

16. The Government of Uganda through the Electoral Commission computerised the last electoral process (presidential and parliamentary) of 2006. Each legally registered voter is eligible to be issued with a free plastic Voter Card. In order for a person to be registered in the voters' register, he or she must be 18 years or older, a Ugandan citizen, and a resident of a particular constituency. Registration for the 2006 general elections ended on 29 October 2005 and the voters' register was subsequently displayed for public viewing in order to make any corrections. Because the Electoral Commission is aware of the problems people have in obtaining proof of identity and does not wish to set the bar too high and discourage people from voting, they will register people who do not have any form of identification on the basis of a confirmation from others, such as neighbours, that they belong to a particular residential area.<sup>11</sup> Registration is an ongoing process so people may register or collect voter cards even when an election has not been called.

**What information is contained in the document:**

17. Voter cards contain a photograph of the holder as well as the name and date of birth. In addition, it contains the date of issuance, district, constituency, sub-county, parish and polling station, sex, nationality and a code number. The card is signed by the issuing official.
18. A person may also have a Certificate of Registration, showing that the person is on the electoral register. This does not contain a photograph but includes personal details such as father and mother's names, date of birth, sex and height, landlord and date of registration, and the signature or thumbprint of the applicant.

**Take-up rate and difficulties experienced in obtaining:**

19. Although not legally recognized as a national identity card as such, the Voter Card has increasingly come to be relied upon as a means of identification by Ugandans.<sup>12</sup> Of a total population of approximately thirty million Ugandans, there are about 10,450,788 registered voters throughout the country.<sup>13</sup> For the sixteen districts of northern Uganda, the number of registered voters is 1,059,075 as per the last voter register update of 2005.<sup>14</sup>
20. Nevertheless, according to information obtained from the Electoral Commission, the take-up rate in Northern Uganda is low compared to other parts of the country. For instance, whereas the registration rate for Kampala is 96.52% and the national average is 81.11%, in the districts affected by the Lords Resistance Army (LRA) the average registration rate is 73.4%, and in one district is less than 50%.<sup>15</sup> Inclusion in the register does not necessarily mean a person has a voter card: possession of the card is not formally a prerequisite to vote.
21. The VPRS found that although voter cards are issued free of charge, informants noted a range of reasons why people in northern Uganda may not obtain them, including the following:

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<sup>11</sup> [REDACTED] Electoral Commission (interviewed by VPRS on 10 September 2007)

<sup>12</sup> [REDACTED] Electoral Commission (interviewed by VPRS on 10 September 2007).

<sup>13</sup> See <http://www.ec.or.ug/aboutus.html> (Accessed on 08/08/07)

<sup>14</sup> Electoral Commission Registrar, Northern Uganda.

<sup>15</sup> In Adjumani, for instance, the rate is only 45.25%

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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- (a) Some people are on the register but do not collect their voter identification card (statistics were not available for the numbers in this category);
- (b) Lack of confidence in the election process as a result of rigging and other malpractices in previous elections;<sup>16</sup>
- (c) The population in Northern Uganda is focused on securing a source of livelihood;
- (d) Although the voter cards are issued free of charge, the registration and verification process can be long and difficult, particular if the person does not have a birth certificate or other form of identity document;
- (e) Failure of the the government to establish comprehensive programmes of birth registration and national identity cards makes it difficult for registration officials.<sup>17</sup>
- (f) Problems with the registration process such as low morale or low caliber of some officials, names being deleted from the register and lack of measures to advertise and encourage registration.<sup>18</sup>

**Driving Permits**

**How the document is issued and by whom:**

22. After visiting a driving school, an applicant for a Driving permit is required to pass the drivers' test which is administered by the Uganda Police Forces. An applicant then fills in an application form and a medical form and consequently pays a fee to the Uganda Revenue Authority and its agents. In total, an applicant must pay a total processing fee of approximately 100 US Dollars.

**What information is contained in the document:**

23. Ugandan driving permits contain a photograph of the holder as well as the name and date of birth. In addition it contains the sex, date of issue and expiry and signature of the holder.

**Take-up rate and difficulties experienced in obtaining:**

24. This is not a common form of identification for people in rural areas such as northern Uganda because most cannot afford to buy a car or pay the required processing fees.

**Graduated Tax Ticket**

**How the document is issued and by whom:**

25. Graduated tax is mentioned in the Ugandan Constitution as one of the taxes from which local governments can derive revenue (Article 191(2) of the 1995 Constitution of the Republic of Uganda). The fifth schedule of the Local Governments Act (1997) further specifies that graduated tax be collected from all able bodied male persons above the age of 18 and all able bodied women engaged in gainful employment. The tax was eventually suspended by the Ugandan government in 2005, but prior to that, was collected by the Local Councils of sub-counties, who would issue tickets as an acknowledgement of payment. Although the tax has been abolished, some people may still possess tax tickets dating from prior to 2005 and they are used as a form of identification in practice.<sup>19</sup>

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<sup>16</sup> Interviews by VPRS staff with IDPs in Lira and Gulu districts, August 2007.

<sup>17</sup> "Ugandans Decide", Final Report of the Democracy Monitoring Group on Presidential and Parliamentary elections 2006, July 2006, page 23.

<sup>18</sup> Ibid

<sup>19</sup> "The Need for National Reconciliation. Perceptions of Ugandans on National Identity", Civil Society Organisations for Peace in Northern Uganda, December 2004, page 21. Also information provided by Komakech-Kilama & Co Advocate, October 2007

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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**What information is contained in the document:**

26. A tax ticket would contain an individual's details such as name, place of work, residence, date and amount paid as well as the stamp and signature of the district tax office. No photograph would be included.

**Take-up rate and difficulties experienced in obtaining:**

27. The VPRS was unable to find statistics.

**Birth Certificate, Birth Notification Card**

**How the document is issued and by whom:**

28. Lack of birth and death certificates is an identified problem in Uganda.<sup>20</sup> A national birth and death registration system created by the British colonial authorities collapsed during the political turmoil of the 1970s. Only since 1994 have national programmes been developed to revive birth and death registration services on the basis of the Birth and Death Registration Act, enacted in 1970, which provides in Section 7(1) that:<sup>21</sup>

"Within three months of the date of birth of a live child, the father or the mother of the child shall register such particulars concerning the birth as may be prescribed with the registrar of the births and deaths registration for each district in which the child is born."

Section 7(2) states further that:

"If the father and the mother of the child are dead or unable to register particulars concerning the birth, the occupier of the house in which the child was, to the knowledge of the occupier, born, or any person present at the birth, or any person having charge of the child, shall register particulars concerning the birth, but the registration of the particulars by one of those persons shall relieve the others of the duty to do so."

29. Although this statutory obligation has existed formally under Ugandan law since 1970, it was rarely implemented in practice due to the fact that it was not viewed as important and the relevant offices were inefficient and insufficiently resourced.<sup>22</sup> From 1994, the Government of Uganda began efforts to revive the system, introducing the Uganda Registration Services Bureau Act<sup>23</sup> and setting up a new institution, the Uganda Registration Services Bureau (URSB), mandated to carry out all registration of births and death in Uganda, which started to operate in July, 2005. The Act also confirmed that it was compulsory to register all births and deaths.
30. According to the system now in place, births should be registered at the village level using a Household Register Book, and reported to sub-county level of local government, which has the

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<sup>20</sup> See for example "The Birth and Death Registration Process Explained", produced by APO-BDR (Birth and Death Registration) Uganda, 2006, and "Report on the Anglophone Africa Workshop on Birth Registration", December 2002, held in Kampala.

<sup>21</sup> See Chapter 309, Laws of Uganda, 2000.

<sup>22</sup> This observation was made by a lawyer with the Uganda Registration Services Bureau in Kampala who was interviewed in July 2007 by VPRS staff.

<sup>23</sup> See Chapter 210 of the Laws of Uganda, 2000.

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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power to issue so-called "short" birth certificates, as well as to the Registrar General, who can issue "long" birth certificates.<sup>24</sup>

- 31 In addition, hospitals continue also to issue birth notification cards on birth.
- 32 Where a registration is not made at the time of birth, Ugandans can later obtain a certificate from Sub-county Chiefs (L.C.3) (at a fee) by swearing an oath before these officials. This may be required, for instance, upon applying to university. A person may obtain a birth certificate (at a cost of approximately UD \$5) later in their lives, if they can prove that they did not receive one at birth or that they did obtain a certificate but have lost it.

**What information is contained in the document:**

33. Birth notification cards and birth certificates do not contain a photograph of the person. They contain the following information.
- (a) A birth notification card is issued by a hospital to confirm the delivery and includes the name of the mother (but not of the father), the sex and weight of the baby and date and time of the birth.
- (b) A "short" birth certificate contains the name and sex of the child, the name and nationality of both the father and the mother as well as the date and place of birth, and a registration number.
- (c) A "long" birth certificate contains the same information as the "short" certificate and in addition, the residence of the parents and the full name, occupation and residence of person who has provided the information leading to registration and in what capacity he/she provides the information, as well as provision for adding another name at a later stage (such as after baptism).

**Take-up rate and difficulties experienced in obtaining:**

34. Although a number of years have passed since the enactment of the legislation, the level of birth and death registration remains low, and only a small number of the births and deaths that occur in the country are registered. Typically these are only around the urban centres and an even smaller percentage receives birth or death certificates. No up-to-date statistics were found, however according to UNICEF, Uganda is included in a group of countries where only 40-69% of births are registered.<sup>25</sup> This is the case even though the URSB has decentralised its services away from the headquarters in Kampala and mandated the Sub-county Chiefs to register births and deaths, and registration levels are particularly low in Northern Uganda.
35. There are a number of reasons why the above-mentioned laws have not been fully implemented, including the following:
- (a) Lack of awareness of the value of birth and death registration, and lack of public information campaigns about the issue.<sup>26</sup> Birth and death registration has yet to be perceived as a fundamental right of a child. The government, and society as a whole, tend to give registration low priority in the face of other more tangible and immediate problems, such as severe economic

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<sup>24</sup> "The Birth and Death Registration Process Explained", produced by APO-BDR Uganda, 2006

<sup>25</sup> "Birth Registration right from the Start", from UNICEF publication, No 9 – March 2002 (pg 8, figure 2: Map of levels of birth registration, 2000 estimates.

<sup>26</sup> Komakech-Kilama & Co Advocate, October 2007 and interview with [REDACTED] MS Uganda Danish Association for International Cooperation with VPRS staff on 10 September 2007

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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difficulties and the struggle for day-to-day survival. Studies have also revealed that some people think that the government has an ulterior motive for wanting to count their children while others believe that counting children is unlucky and could lead to death<sup>27</sup>. Fear of authorities and the legal process means that people are largely un-informed about the advantages related to the birth and death registration processes, or about the legal procedures and requirements. Language is also a factor, with governments failing to communicate in ways that can be understood by minority groups or illiterate members of society the importance of registration and how to go about it.

- (b) Lack of political will on the part of local government, the national government, politicians and civil servants, who often fail to grasp the importance of birth registration.<sup>28</sup> Registration is often seen as nothing more than a legal formality, with little relevance for the development of the child, including access to health care and education services.
- (c) The costs of registration are also frequently prohibitive for rural communities, who experience low incomes and frequent cases of child-birth and child-death.<sup>29</sup> The registration network is often inadequate and therefore birth and death registration is typically highest in urban areas with strong links to formal mechanisms of health services.<sup>30</sup>
- (d) The only formal records of births or deaths are those kept at Health Units such as hospitals, dispensaries and clinics. Yet in Uganda, most births or deaths, especially in rural areas, take place at home and in the presence of traditional birth attendants or medical practitioners. According to the Ministry of Health, over the last five years, an average of 22% of deliveries took place at Health Units<sup>31</sup>
- (e) Many unregistered children are born to single mothers, due to the effects of wars, AIDS and polygamy. Unmarried women may be reluctant to register their child(ren) out of fear of embarrassment or out of a mistaken belief that their child(ren) can only be registered if the parents are married. This is coupled with the fact that fathers are in many such cases unwilling to comply, as their signature implies acknowledgement of paternity.
- (f) Similarly, the registration of orphans or children who have become separated from their families for reasons such as child trafficking, abductions, or the general insecurity in the North and East of the country is particularly difficult. The collapse of the birth and death registration system has exacerbated the difficulties of family reunification for children abducted by the LRA. In many cases, important identification papers are lost or destroyed, and parents subsequently have difficulty establishing the identity of their children and, consequently, in registering them. Further, where parents have died due to AIDS or the conflict, information about the birth or death of orphans is not typically passed on to others.

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<sup>27</sup> See Plan, *Common Obstacles to Achieving Universal Birth Registration*, Available at <http://www.writemedown.org/research/obstacles/> (last accessed May 2007)

<sup>28</sup> See Assefa Bequele, *Universal Birth Registration The Challenge in Africa*, A paper prepared for the Second Eastern and Southern Africa Conference on Universal Birth Registration, Mombasa, Kenya, The African Child Policy Forum, September 26-30, p. 22

<sup>29</sup> See Bequele, *Universal Birth Registration*, p. 22

<sup>30</sup> *Ibid*

<sup>31</sup> See Uganda Child Rights NGO Network, *NGO Complementary Report on Implementation of the UN CRC – An Addendum*, April 2005, p. 13



**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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- (g) The internally displaced are particularly likely to miss out on birth registration because the infrastructures of administration and service provision have broken down to the bare minimum within IDP Camps<sup>32</sup>. This is also not helped by the bureaucratic nature of the registration procedure and the costs of registration and certificate issuance which also tend to deter IDPs. The logistical hurdles are also a factor including the difficulty and expense of travelling to the nearest registration office from a remote area, losing one or two days' work in the process or leaving other children unsupervised. The lack of difficulty in accessibility in areas like northern Uganda is further exacerbated by its location and terrain, the poor condition of the roads and other infrastructure plus the shortcomings of public transport.
- (h) Most rural centres are not computerised and are under-staffed, and the populations residing in those areas tend to be unaware of the importance of keeping these birth notification cards.

**Certificate of Amnesty**

**How the document is issued and by whom:**

36. In the year 2000, the Ugandan government passed the Amnesty Act, designed to provide immunity from prosecution to LRA members who voluntarily surrendered to the government. In accordance with this legislation, the Amnesty Commission, a governmental institution, issues Certificates of Amnesty to the surrendering ex-combatants ("reporters") of the LRA. In order to obtain an amnesty certificate, the ex-combatant must sign a declaration "denouncing the rebellion". In exchange, the recipient receives a resettlement package, which includes a lump sum of 263,000 Uganda shillings (US \$150), as well as a mattress, a blanket, a hoe and some seeds. Before issuing a certificate, the Commission undertakes a screening process which involves asking the applicant a series of questions about their family background and experiences. The Commission does not ask for documents proving identity because it is assumed that the former LRA members would not have any, and most applicants do not know their exact dates of birth.<sup>33</sup>

**What information is contained in the document:**

37. A certificate of Amnesty includes a photograph, the name and residence of the "reporter", the date of issuance, and the stamp and signature of the issuing official of the Amnesty Commission. It does not include the age or date of birth of the holder.

**Take-up rate and difficulties experienced in obtaining:**

38. To date, the Amnesty Commission has issued approximately 22,000 certificates to former LRA members.<sup>34</sup>

**Documents issued by local authorities**

**How the document is issued and by whom:**

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<sup>32</sup> It is the responsibility of the Government of Uganda to provide all the requisite services such as health care, education and security, but in practice a number of national and international NGOs such as CARE, CONCERN, OXFAM, ICRC and the Uganda Red Cross Society supplement the government's efforts

<sup>33</sup> [REDACTED] Amnesty Commission, interview with VPRS staff on 7 September 2007

<sup>34</sup> Ibid

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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39. In Uganda, local government is organised into districts that are headed by a locally elected Council. The districts are further divided into lower levels (with a Local Council at each level) comprising the County, Sub-county, Parish and Village.
40. Different types of document are issued by the Local Councils governing the villages (the smallest units that encompass a collection of residences), known as "L.C.1".
41. First, the L.C.1 is the issuing officer for a Residents Permit or card. There is no age restriction in relation to the issuing of these cards. Their main purpose is as a means to enable local government representatives to identify the residents in their area, and registering all members of households in the village or community is one of the responsibilities of the L.C.1.<sup>35</sup> Although it is not compulsory for residents to obtain them, the VPRS was told that they are viewed as useful for enabling people to show their place of residence for instance when stopped at a road block or far from their community.
42. Second, in addition to the Residents Permits or cards, L.C.1's have adopted the practice of issuing simple A4 paper identification letters to residents in their area upon request, confirming that the person is a resident of the area, at a cost which varies from place to place. These may be requested for a range of purposes, such as to serve as an introduction or recommendation to a bank or other institution, in support of various applications or services.
43. Third, camp leaders of IDP camps also issue letters confirming that a person resides in a particular camp.
44. Fourth, the Resident District Commissioner, who is a non-elected official appointed by the executive at the district level, is mandated to provide so-called "reunion letters" that are aimed at assisting a former LRA member to demonstrate that he or she has returned to the community and is no longer a rebel, to aid their reinsertion into the community.

**What information is contained in the document:**

45. The residents permit or card contains a photograph, name and age, though not the date of birth. In addition it contains the sex, address and signature of the holder, and the signature and stamp of the L.C.1 chairman.
46. The contents of the letters issued by the L.C.1 or camp leader are very basic, typically stating the name of the person, possibly their age and place of work, and attesting to the fact that they are residents of a certain area. They would not normally include a photograph. The letter might also be tailored to the specific purpose for which it had been requested, such as to confirm particular information or request the recipient to assist the person in a particular way.
47. The "reunion letters" issued by the Resident District Commissioners certify that a person has been abducted and include dates and other details of their abduction, escape and subsequent rehabilitation or treatment. The letters include the name and age and photograph of the person. They contain the stamp and signature of the Resident District Commissioner. A photograph is normally attached to the letter.

**Take-up rate and difficulties experienced in obtaining:**

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<sup>35</sup> "The Birth and Death Registration Process Explained", produced by APO-BDR Uganda, 2006

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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48. Residents Permits or cards are signed by the L.C.1, but the card itself and the photograph have to be obtained in the nearest registration centre which are located in towns. This may require applicants who are displaced or living in rural areas to travel several times back and forth between the L.C. and the town. Registration of households at the L.C.1 level is assisted by a Household Register system supported by UNICEF in conjunction with the Ministry of Planning and Economic Development.<sup>36</sup>
49. Letters issued by the local councils remain one of the most widely used forms of identification by rural people, and many informants told the VPRS that this was the most common form of documentation used to prove identity.<sup>37</sup> Indeed, in the absence of a national identity card, it was mentioned universally as one of the most common ways of proving one's identity and the easiest to obtain.<sup>38</sup> Nevertheless, some informants mentioned concerns that the system is sometimes abused by certain local officials.<sup>39</sup>

## II. Other documents commonly used to prove identity in Uganda

### Identity cards issued by workplaces or educational establishments

#### How the document is issued and by whom:

50. These may be issued by employers to employees, by banks to clients, or by secondary schools or other educational institutions to students. The employee, client or student must typically pay a fee which varies from one location to another.

#### What information is contained in the document:

51. The content of such document varies according to the provider but typically includes the name and possibly the age and sex of the person, a certification that the person is a student or employee at the relevant institution, the stamp and signature of the issuing authority and possibly of the holder, date of issue and renewal or expiry date. The document may or may not include a photograph and the age of the holder.

#### Take-up rate and difficulties experienced in obtaining:

52. These types of identity cards are commonly used as a form of identification among urban populations in Uganda, but are less common in rural areas or IDP camps in Northern Uganda where fewer people have an employer or are educated beyond primary level.

<sup>36</sup> The existence of this scheme was mentioned by UNICEF (interview by VPRS staff with [REDACTED] on 25 September 2007) and by Komakech-Kilama & Co Advocate, October 2007, however it is unclear to what extent the scheme is operating in practice

<sup>37</sup> The point was mentioned for instance by Advocates MMAKS (letter to the VPRS dated 24 September 2007, [REDACTED] Office of the United Nations High Commissioner for Human Rights (interview with VPRS staff on 5 September 2007), who noted that they had found that the army relied solely on letters issued by local authorities, [REDACTED] both of the Uganda Joint Christian Council, who informed VPRS that the local authorities were best placed to identify people residing in their areas and they frequently issued letters confirming this (interview with VPRS staff on 7 September 2007); and [REDACTED] MS Uganda Danish Association for International Cooperation, who said that letters from an L.C. 1 are widely used in both rural and urban areas, particularly for purposes such as where people wish to relocate or open a bank account (interview with VPRS staff on 10 September 2007).

<sup>38</sup> See "The Need for National Reconciliation: Perceptions of Ugandans on National Identity", Civil Society Organisations for Peace in Northern Uganda, December 2004, page 21.

<sup>39</sup> Interviews conducted with IDPs in Lira and Gulu, August 2007

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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**Camp registration card and card issued by humanitarian relief agencies<sup>40</sup>**

**How the document is issued and by whom:**

53. Humanitarian relief agencies such as the UN High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) issue cards to heads of household in camps where they undertake activities, for the purposes of planning and distribution. These are also known as food or ration cards. Those entitled are registered residents of a camp who are not in formal employment.<sup>41</sup> At regular time intervals of three to six months, the UNHCR and WFP conduct verification exercises for each household in the camps in order to determine the number and nature of the occupants and their specific needs. They carry out these exercises with the assistance of camp leaders who maintain registers of camp registers.

**What information is contained in the document:**

54. IDP Household Cards issued by the World Food Programme to camp residents include the name of the head of household, the name and sex of the spouse, the size of the household and the date of issue, as well as the logo and stamp of the humanitarian agency, signature of the issuing officer and a number.

**Take-up rate and difficulties experienced in obtaining:**

55. In terms of availability among people of northern Uganda, it can be concluded that this form of identification remains the most widely used. It should also be noted that a good number of people may not be in possession of these cards since they may have missed out on the registration process. VPRS further notes that this form of identification may be problematic since the cards are only issued to house-hold heads yet victims may actually be members of the house-holds and therefore cards may not bear their names.

**Other documents**

56. Cards or letters are issued by others, including the following:
- (a) Churches may issue a Baptism Card, containing the name, date of birth, date of issue, the names of parents and Godparents, place of residence and name and address of the Church, but no photograph.
  - (b) Rehabilitation Centres may provide a letter confirming that a person has been at the centre, including the name of the person, their village, date of abduction and of escape, and details of the treatment received at the centre, as well as the stamp and signature of the person responsible for the centre.

### III. Documents relating to Children

57. The Single Judge requests information regarding 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. Section II of this report addresses the

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<sup>40</sup> The bulk of this information in this part was obtained from several interviews conducted by VPRS staff with IDPs located in camps in Lira, Pader and Gulu in August 2007.

<sup>41</sup> Information provided by Komakech-Kilama & Co Advocate, October 2007

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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question of birth certificates, and as noted in that section, whereas the notification of birth cards contain the name of the mother only, the "short" and "long" versions of the birth certificates contain the names and other details of both parents.

58. As regards other possible means of establishing such a link, the informants interviewed by VPRS suggested that the best way would be to obtain letters from a local council confirming the relationship.<sup>42</sup> Another possibility would be to swear an affidavit before a Magistrate or Commissioner of Oaths, but this would be prohibitively expensive for most applicants.<sup>43</sup>

#### IV. Documentation supporting Applications from Organizations or Institutions

59. In Uganda, organisations or institutions falling within the definition of a victim contained in rule 85(b) of the Rules of Procedure and Evidence are most likely to fall under one of the following categories recognized under Ugandan law and administrative practice: Companies, Non Governmental Organisations (NGOs) and Community Based Organisations. Such entities could have the capacity to own schools, hospitals, churches, orphanages or other relevant property. They may objectives that are religious, charitable, educational, or of a public character. This section aims to identify which documents could be expected to be produced in relation to these categories, with reference to the relevant law that governs them.
60. It should be noted, however, that since no applications to participate in proceedings have yet been received from organisations or institutions, it is possible that other categories may emerge.

#### Non-Governmental Organisations (NGOs)

61. Under the NGO Registration Act, an "organization" is defined as:

"a non governmental organization established to provide voluntary services, including religious, education, literary, scientific, social or charitable services, to the community or any part of it."<sup>44</sup>

62. NGOs must register with the National Board of NGOs of the Ministry of Internal affairs as stated under section 2(1) of the NGO Registration Act. When applying for registration, the Organisation is required to fill in an application form, which establishes the following details of the NGO: name; country/area of origin; countries the organisation is affiliated to, objectives of the Organisation; target group; membership (number of); titles of officers; names of officers; sources of funding; property owned; bankers; privileges and promoters (owners). They are required to produce to the NGO Board the following documents: a constitution (which details the basic rules of internal governance; and two sureties for purposes of integrity of the person and relevance of ideas), letters from authorities concerned with national security, recommendation letters from the appropriate line ministry, and pay a fee of approximately \$110.
63. After registration with the Ministry of Internal Affairs, the NGO has to go to the Registrar of Companies (URSB) in order to acquire legal personality. While the NGO Registration Board will

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<sup>42</sup> Interview by VPRS staff with [REDACTED] with UNICEF, on 5 September 2007, who confirmed that UNICEF in the course of their activities would turn to the local council or relatives to confirm a link, and interview by VPRS staff with advocate [REDACTED], on 5 September 2007

<sup>43</sup> Interview by VPRS staff with advocate [REDACTED], on 5 September 2007, and interview by VPRS staff with [REDACTED] both with the Uganda Joint Christian Council, on 7 September 2007.

<sup>44</sup> See the NGO Registration Act, under section 1(d)

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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reserve the NGOs name, it will not be legally incorporated until the Registrar of Companies incorporates the Organisation. On initial registration with the Board, NGOs receive a one-year registration certificate, which is renewable for a period of three years assuming that the NGO fulfils the renewal requirements. After the three years the NGO is required to renew its certificate again and this time receives a certificate valid for five years. NGOs are obliged to submit annual returns, budgets, and annual work plans indicating what activities they intend to carry out and what they have actually carried out, though in between renewals most organisations do not submit these. Many experience difficulties with the documentation process which they find rigorous, time consuming, expensive and complex, particularly for smaller or less well-resourced institutions that tend to exist outside the main urban areas.

64. An NGO could be expected to produce its Constitution and a Certificate of Incorporation.

**Community Based Organisations (CBOs)**

65. A CBO is an organization "operating at a sub-county level and below, whose objective is to promote and advance the well being of its members or the community at large."<sup>45</sup> CBOs are typically formed to accomplish a specific collective purpose for a certain community; they tend to be smaller than NGOs and often exist as a loose coalition bringing together between ten to twenty households. Because of their nature and area of operation, there is no strict legal framework in which they are incorporated. Historically, most of the NGOs in Uganda begin in this form, especially those based in rural areas.
66. In support of an application to participate in ICC proceedings, a CBO could be expected to produce its Constitution.

**Companies**

67. Companies are regulated by the Companies Act of Uganda<sup>46</sup>, which spells out the requirements that promoters need in order to establish a company. In order for a company to be incorporated, it must produce for the Companies Registrar the following documents: Certificate showing reservation of the company name, Particulars of Directors, Allotment of Shares, Memorandum of Association, and Articles of Association. Upon satisfying the above requirements, the Registrar will issue Certificate of Incorporation and Certificate of Registration.
68. In order to support an application for participation in ICC proceedings, a company could be expected to produce its Certificate of Incorporation and Certificate of Registration.

**V. Difficulties experienced by applicants in producing copies of documentation**

**Discrepancies between information provided in different documents produced**

69. Where applicants are able to produce some form of documentation in order to prove their identity, the VPRS has found that it sometimes occurs that the names, dates of birth or other details are different from those stated within the application forms or other supporting documents. Government officials, former abductees, applicants and intermediaries all told VPRS that it is common for names

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<sup>45</sup> See Non-governmental Organizations Registration (Amendment) Act, Amendment No. 6.

<sup>46</sup> See Sections 5 to 18 of the Companies Act.

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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and/or dates of birth to be inaccurately recorded.<sup>47</sup> One consequence is that many people in Northern Uganda do not know their exact birth dates and can only provide their best guess when required to do so. This has resulted in a situation where documents or certificates produced by applicants frequently have discrepancies as to the dates of birth / death or different names. The VPRS was informed that this is very common in rural areas especially among the illiterate and among elderly people. High illiteracy rates in Northern Uganda and among IDPs lead to a situation where people may not know how to spell their names or may not do so consistently. Another factor is the common African tradition of having more than two names. In different contexts they may not always use or omit the same parts of the name, or may use them interchangeably on different occasions. Many may also not be aware of the implications of these actions.

**Difficulties in obtaining other supporting documents**

70. The VPRS has noted that applicants frequently fail to produce other documentation in support of their applications to participate in proceedings, such as proofs of a death or injury. The VPRS has therefore made inquiries as to what difficulties applicants in Northern Uganda might have in producing such documents, and received the following information from intermediaries familiar with the communities of the displaced in Northern Uganda.
71. As regards proof of a death, death registration and the issuing of death certificates are subject to the same procedures as described above for birth registration, and are administered by the Uganda Registration Services Bureau.<sup>48</sup> The VPRS is informed that although according to the law it is compulsory to register a death, in practice death certificates are only obtained where there are legal claims to be made relating to assets left behind by a deceased person, which is rarely the case in Northern Uganda, either due to extreme poverty or to the fact that such issues are generally settled by the elders outside the legally mandated office of the Administrator General.
72. As regards medical records, the VPRS was informed that due to the long distances and high costs of seeking medical attention from hospitals, people in Northern Uganda tend to receive treatment from smaller health units such as clinics or dispensaries which have little capacity to record particulars of the person and of the injury suffered. Even where such documents are given, they are not easy to keep safely given the difficult living conditions in the camps.

**Difficulties in obtaining photocopies of documents**

73. Where applicants are in possession of appropriate supporting documentation, the VPRS is informed by intermediaries that it is often a major challenge for them to produce photocopies. Photocopying a copy of the standard application form, for instance, would cost almost half a US Dollar, which is prohibitive in a context where most people live on less than a Dollar per day.<sup>49</sup> Further, more often

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<sup>47</sup> Interviews conducted by VPRS staff in Lira and Gulu districts, August 2007.

<sup>48</sup> "The Birth and Death Registration Process Explained", produced by APO-BDR Uganda, 2006

<sup>49</sup> The high levels of poverty in Northern Uganda are documented in a number of reports. For instance, a government study in April 2006 showed that 70% of the population of Northern Uganda live in absolute poverty, with each adult's expenditure at 11 US Dollars per month and most of the population living on less than a US Dollar per day: "UGANDA. Survey reveals grinding poverty in war-affected north" IRIN news agency, 7 April 2006, accessed on Friday 12 October 2007, at <http://www.irinnews.org/report.aspx?reportid=58691>. See also UNDP, "Millennium Development Goals (MDGs) progress report for Uganda", accessed on Friday 12 October 2007, at [http://www.undg.org/archive\\_docs/5263-Uganda\\_MDG\\_Report\\_2003\\_pdf](http://www.undg.org/archive_docs/5263-Uganda_MDG_Report_2003_pdf)

**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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than not, photocopying services are located only in the urban trading centres which are connected to the national electricity grid. Travelling from the camps to these centres is time-consuming and expensive. If a document is given to another person to take to the nearest centre for photocopying, this could cause the holder to miss out on food or other entitlements while the card is not in their possession.

74. Second, there may also be security implications for applicants in photocopying documents in the few centres where photocopying facilities are available.
75. The VPRS takes steps to find solutions to this problem, such as requesting the cooperation of national and international agencies operating on the ground that have photocopying facilities. However, this solution may not always be available since agencies may have concerns that such activities may compromise their mandate.

## VI. Conclusions and Recommendations

76. The main conclusions of the research conducted for this report are that the only documents that fulfil all the requirements set out in paragraph 16 of the Decision of the Single Judge of 10 August 2007, namely a document (i) issued by a recognized public authority; (ii) stating the name and date of birth of the holder, and (iii) showing a photograph of the holder, are passports, driving licences and voter cards. Passports and driving licences are found extremely rarely among the population of Northern Uganda. Although voter cards are more common, they are by no means universal, particularly among IDPs, and by women, and are not issued to persons under the age of 18.
77. As regards children, only the passport fulfils the three conditions, and it would be extremely rare for a child in Northern Uganda to have a passport.
78. This report has highlighted the enormous difficulties that applicants face when attempting to obtain documentation proving their identity or other documentation to support their applications. These difficulties include the fact that infrastructure for producing formal documentation regarding identity or dates of birth and death is underdeveloped in Uganda, as well as the difficult circumstances in which many applicants live as displaced people in Northern Uganda, that create often insurmountable logistical, economic and other obstacles.
79. In light of the findings in this report, as well as the fact that applicants who approach the Court from Uganda do not have a legal representative, the Registry would draw the Single Judge's attention to the fact that the majority of actual and potential applicants in Northern Uganda are not in a position to meet the requirements set out by the Single Judge in paragraph 16 of the Decision of 10 August 2007. Consequently, the Registry recommends that alternative means be devised for proving identity. The Registry believes that such means should not place unreasonable burdens on applicants and that the Court itself may need to take steps to facilitate the obtaining of identification documents. If the Single Judge would find it useful, the Registry would be able to suggest alternative options.
80. The Registry remains at the disposal of the Chamber for any further explanations or clarifications in relation to this issue.



**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**

**(Prepared by the Victims Participation and Reparations Section on 12 October 2007)**

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**ANNEXES:**

1. List of persons interviewed by VPRS staff;
2. Sample copies of identification documents referred to in this report;
3. Letter from Masembe, Makubuya, Adriko, Karugaba and Ssekatawa (MMAKS), Advocates, dated 24 September 2007;<sup>50</sup> and
4. List of references on relevant materials<sup>51</sup>.

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<sup>50</sup> The law firm MMAKS has been acted for the Court in Uganda on a number of occasions.

<sup>51</sup> The VPRS can provide copies of these documents upon request either in hard copy or electronic version

# Annex 1 Redacted

# Annex 2

## Redacted

## Annex 3



**ADVOCATES**

60/15 MUYILIMBA

Ms. Josephine Aum,

APRS

Kampala

**KAMPALA.**

DAYS

**RE: PROOF OF IDENTITY IN UGANDA**

Reference is made to the letterhead of the undersigned dated 17/03/2008 and the letter of the undersigned dated 17/03/2008 to the undersigned dated 17/03/2008.

The undersigned is a member of the undersigned and the undersigned is a member of the undersigned.

Reference is made to the letterhead of the undersigned dated 17/03/2008 and the letter of the undersigned dated 17/03/2008 to the undersigned dated 17/03/2008.

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# Annex 4

## Relevant materials

"The Need for National Reconciliation: Perceptions of Ugandans on National Identity; Civil Organisation for peace in Northern Uganda (CSOPNU) and Fellowship of Reconciliation (JYAK)", Uganda, December 2004

"Report on the Anglophone Africa Workshop on Birth registration", October 21-24, 2002 Kampala, Uganda. Hosted by the Ministry for Gender, Labor and Social Development and sponsored by UNICEF, December 2002

"Analysis of Voters' Population by District", by the Electoral Commission, September 10<sup>th</sup> 2007

"Uganda decides Final report presidential and parliamentary elections 2006", by Democracy Monitoring Group (DEMGROUP), July 2006

"The birth and death registration process explained, Statistics in our backyard", by APO-BDR, 2006

"Innocent Insight Birth Registration and Armed Conflict", UNICEF, 2007

"UGANDA: Survey reveals grinding poverty in war-affected north", IRIN news agency, April 7<sup>th</sup> 2006, Pg 1, accessed on Friday October 12<sup>th</sup> 2007 at <http://www.irinnews.org/report.aspx?reportid=58691>

"Millennium Development Goals (MDGs) progress report for Uganda" by UNDP, by pg. 8, accessed on Friday 12 October 2007, at

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