

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-02/04-01/05  
Date: 21 November 2008

**PRE-TRIAL CHAMBER II**

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

**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/0014/07 to a/0020/07 and  
a/0076/07 to a/0125/07**

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

**The Office of the Prosecutor**  
Mr Luis Moreno Ocampo  
Ms Fatou Bensouda

**Counsel for the Defence**  
Mr Michiel Pestman

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**  
Ms Paolina Massidda

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

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**  
Ms Silvana Arbia

**Deputy Registrar**  
Mr Didier Preira

**Victims and Witnesses Unit**

**Defence Support Section**

**Victims Participation and Reparations  
Section**  
Ms Fiona McKay

**Detention Section**

**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 the situation in Uganda (the “Situation”) and in the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* (the “Case”);

**NOTING** the Single Judge's “Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06” (the “First Decision on Victims' Applications for Participation” or the “First Decision”), filed on 13 August 2007 in the record of the Situation<sup>2</sup> and in the record of the Case<sup>3</sup>;

**NOTING** the Single Judge's “Decision on legal representation of Victims a/0090/06, a/0098/06, a/0101/06, a/0112/06, a/0118/06, a/0119/06 and a/0122/06” dated 15 February 2008<sup>4</sup> (the “15 February 2008 Decision”);

**NOTING** the Single Judge's “Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06, a/0082/06, a/0084/06 to a/0089/06, a/0091/06 to a/0097/06, a/0099/06, a/0100/06, a/0102/06 to a/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” in the Situation<sup>5</sup> and in the Case<sup>6</sup>, dated 14 March 2008 (the “Second Decision on Victims' Applications for Participation” or the “Second Decision”);

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

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

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

<sup>4</sup> ICC-02/04-117; ICC-02/04-01/05-267.

<sup>5</sup> ICC-02/04-124-Conf-Exp; ICC-02/04-125.

<sup>6</sup> ICC-02/04-01/05-281-Conf-Exp; ICC-02/04-01/05-282.

**NOTING** article 68(3) of the Statute of the Court (the “Statute”); rules 85, 87(3), 89(2) and 90(4) of the Rules of Procedure and Evidence (the “Rules”); regulations 80, 81(4) and 86 of the Regulations of the Court (the “Regulations”);

**HEREBY RENDER THIS DECISION.**

### **Procedural history**

1. On 11 April 2007, the Registrar submitted his “Report to Pre-Trial Chamber II on applications a/0014/07 to a/0020/07 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” (the “Registry’s First Report”) in the record of the Situation<sup>7</sup> and of the Case<sup>8</sup>. Seven victims’ applications for participation in the proceedings were annexed<sup>9</sup> to the Registry’s First Report. On 22 June 2007, the Registry filed his “Report to Pre-Trial Chamber II on applications a/0076/07 to a/0125/07 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” (the “Registry’s Second Report”) in the record of the Situation<sup>10</sup>. Fifty victims’ applications for participation in the proceedings (the applications annexed to the First and to the Second Report of the Registry, collectively, the “Applications”) were annexed<sup>11</sup> to the Registry’s Second Report.

<sup>7</sup> “Report to Pre-Trial Chamber II on applications a/0014/07 to a/0020/07 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-02/04-01/05-92-Conf-Exp) and the corrigendum thereto, dated 23 April 2007 (ICC-02/04-92-Conf-Exp-Corr).

<sup>8</sup> ICC-02/04-01/05-241 and the corrigendum thereto dated 23 April 2007 (ICC-02/04-01/05-241-Conf-Exp-Corr).

<sup>9</sup> Application a/0014/07 (ICC-02/04-92-Conf-Exp-Anx1); Application a/0015/07 (ICC-02/04-92-Conf-Exp-Anx2); Application a/0016/07 (ICC-02/04-92-Conf-Exp-Anx3); Application a/0017/07 (ICC-02/04-92-Conf-Exp-Anx4); Application a/0018/07 (ICC-02/04-92-Conf-Exp-Anx5); Application a/0019/07 (ICC-02/04-92-Conf-Exp-Anx6); Application a/0020/07 (ICC-02/04-92-Conf-Exp-Anx7).

<sup>10</sup> ICC-02/04-97-Conf-Exp.

<sup>11</sup> Application a/0076/07 (ICC-02/04-97-Conf-Exp-Anx1); Application a/0077/07 (ICC-02/04-97-Conf-Exp-Anx2); Application a/0078/07 (ICC-02/04-97-Conf-Exp-Anx3); Application a/0079/07 (ICC-02/04-97-Conf-Exp-Anx4); Application a/0080/07 (ICC-02/04-97-Conf-Exp-Anx5); Application a/0081/07 (ICC-02/04-97-Conf-Exp-Anx6); Application a/0082/07 and Application a/0083/07 (ICC-02/04-97-Conf-Exp-Anx7).

2. On 18 September 2008, the Single Judge filed his “Decision on legal representation, appointment of counsel for the defence, criteria for redactions of applications for participation, and submission of observations on applications for participation a/0014/07 to a/0020/07 and a/0076/07 to a/0125/07” (the “18 September 2008 Decision”) in the record of the Situation<sup>12</sup> and of the Case<sup>13</sup>, whereby he appointed Mr Michiel Pestman as counsel for the Defence within the context and for the purposes of the proceedings on the Applications; ordered the transmission of the Applications to the Office of Public Counsel for Victims (the “OPCV”), as well as of redacted versions thereof to the Prosecutor and the Defence and granted both parties until 10 October 2008 to submit their observations.
3. On 24 September 2008, the Defence filed a “Request for leave to appeal the decisions on legal representation, appointment of counsel for the defence, criteria for redactions of applications for participation and submission of observations on

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Exp-Anx8); Application a/0084/07 (ICC-02/04-97-Conf-Exp-Anx9); Application a/0085/07 (ICC-02/04-97-Conf-Exp-Anx10); Application a/0086/07 (ICC-02/04-97-Conf-Exp-Anx11); Application a/0087/07 (ICC-02/04-97-Conf-Exp-Anx12); Application a/0088/07 (ICC-02/04-97-Conf-Exp-Anx13); Application a/0089/07 (ICC-02/04-97-Conf-Exp-Anx14); Application a/0090/07 (ICC-02/04-97-Conf-Exp-Anx15); Application a/0091/07 (ICC-02/04-97-Conf-Exp-Anx16); Application a/0092/07 (ICC-02/04-97-Conf-Exp-Anx17); Application a/0093/07 (ICC-02/04-97-Conf-Exp-Anx18); Application a/0094/07 (ICC-02/04-97-Conf-Exp-Anx19); Application a/0095/07 (ICC-02/04-97-Conf-Exp-Anx20); Application a/0096/07 (ICC-02/04-97-Conf-Exp-Anx21); Application a/0097/07 (ICC-02/04-97-Conf-Exp-Anx22); Application a/0098/07 (ICC-02/04-97-Conf-Exp-Anx23); Application a/0099/07 (ICC-02/04-97-Conf-Exp-Anx24); Application a/0100/07 (ICC-02/04-97-Conf-Exp-Anx25); Application a/0101/07 (ICC-02/04-97-Conf-Exp-Anx26); Application a/0102/07 (ICC-02/04-97-Conf-Exp-Anx27); Application a/0103/07 (ICC-02/04-97-Conf-Exp-Anx28); Application a/0104/07 (ICC-02/04-97-Conf-Exp-Anx29); Application a/0105/07 (ICC-02/04-97-Conf-Exp-Anx30); Application a/0106/07 (ICC-02/04-97-Conf-Exp-Anx31); Application a/0107/07 (ICC-02/04-97-Conf-Exp-Anx32); Application a/0108/07 (ICC-02/04-97-Conf-Exp-Anx33); Application a/0109/07 (ICC-02/04-97-Conf-Exp-Anx34); Application a/0110/07 (ICC-02/04-97-Conf-Exp-Anx35); Application a/0111/07 (ICC-02/04-97-Conf-Exp-Anx36); Application a/0112/07 (ICC-02/04-97-Conf-Exp-Anx37); Application a/0113/07 (ICC-02/04-97-Conf-Exp-Anx38); Application a/0114/07 (ICC-02/04-97-Conf-Exp-Anx39); Application a/0115/07 (ICC-02/04-97-Conf-Exp-Anx40); Application a/0116/07 (ICC-02/04-97-Conf-Exp-Anx41); Application a/0117/07 (ICC-02/04-97-Conf-Exp-Anx42); Application a/0118/07 (ICC-02/04-97-Conf-Exp-Anx43); Application a/0119/07 (ICC-02/04-97-Conf-Exp-Anx44); Application a/0120/07 (ICC-02/04-97-Conf-Exp-Anx45); Application a/0121/07 (ICC-02/04-97-Conf-Exp-Anx46); Application a/0122/07 (ICC-02/04-97-Conf-Exp-Anx47); Application a/0123/07 (ICC-02/04-97-Conf-Exp-Anx48); Application a/0124/07 (ICC-02/04-97-Conf-Exp-Anx49); Application a/0125/07 (ICC-02/04-97-Conf-Exp-Anx50).

<sup>12</sup> ICC-02/04-01/05-154.

<sup>13</sup> ICC-02/04-01/05-312.

applications for participation a/0014/07 to a/0020/07 and a/0076/07 to a/0125/07 and request that the appeal have suspensive effect in accordance with Article 82(3) of the Statute”<sup>14</sup> (the “Defence’s Application”).

4. On 26 September 2008, in accordance with the 18 September 2008 decision, redacted versions of the Applications were transmitted by the Registry to the Prosecutor and the Defence<sup>15</sup>.
5. On 7 October 2008, the Single Judge rendered the “Decision on the Defence Request for leave to appeal dated 24 September 2008 and extension of time limit for submission of observations on applications for participation a/0014/07 to a/0020/07 and a/0076/07 to a/0125/07”, whereby he rejected the Defence’s Application and extended until 20 October 2008 the time limit for the Prosecutor and the Defence to submit their observations on the Applications<sup>16</sup>.
6. On 17 October 2008, the Prosecutor submitted his observations on the Applications<sup>17</sup>; the Defence did the same on 20 October 2008<sup>18</sup>.

## **Analysis of the Applications**

### **Method of analysis**

7. Consistently with the practice established in the First and the Second Decisions on Victims’ Applications for Participation, the Single Judge will assess the merits of the Applications against rule 85(a) of the Rules. The Single Judge highlights that the overall principles underlying such assessment remain those established in the First Decision on Victims’ Applications for Participation, as amended by the Second Decision. The Single Judge will therefore undertake this assessment by analysing (i) whether the identity of the Applicant as a natural person appears duly established; (ii) whether the events described by each Applicant constitute a crime within the jurisdiction of the Court; (iii) whether the Applicant claims to

<sup>14</sup> ICC-02/04-155; ICC-02/04-01/05-313.

<sup>15</sup> ICC-02/04-01/05-314-Conf.

<sup>16</sup> ICC-02/04-158; ICC-02/04-01/05-316.

<sup>17</sup> ICC-02/04-159; ICC-02/04-01/05-317.

<sup>18</sup> ICC-02/04-160; ICC-02/04-01/05-318.

have suffered harm; and (iv) 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>19</sup> all relevant factors identified are to be proved to a level which might be considered satisfactory for the limited purposes of rule 85(a). Each statement by Applicant victims will therefore be assessed both on the merits of its intrinsic coherence and on the basis of information otherwise available to the Chamber. As regards the issues of the proof of identity, the Single Judge points out that the Applications were submitted prior to the clarification provided by the Second Decision. Accordingly, decision on all applications missing appropriate documents in this respect will be deferred. Furthermore, in light of the submissions by VPRS<sup>20</sup>, failure by applicants to submit certificates relating to the injuries allegedly sustained in the incidents does not hinder the holding that the alleged harm is proved to a satisfactory degree for the purposes of the present proceedings.

8. As regards applications for participation in the Situation, the Single Judge recalls that, when applicants refer to incidents that are not included in the warrants of arrest issued in the Case, the statements made in support of their claim need to be corroborated by sufficient information from other sources (particularly, but not exclusively, the United Nations (“UN”) and Non-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>21</sup>.
9. Also consistently with the practice established in the First and the Second Decisions on Victims’ Applications for Participation, the Single Judge will first

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<sup>19</sup> *Ibid.*, paras. 13-15.

<sup>20</sup> 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” (ICC-02/04-125-Anx, paragraph 72) states 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”, as well as that “even where such documents are given, they are not easy to keep safely given the difficult living conditions in the camps”.

<sup>21</sup> First Decision, paragraph 106.

address applications relating to the Case and then those relating to the Situation. Among the applications relating to the Case, those referring to the same incident will be grouped and presented together, irrespective of the number they have been assigned or of their date of submission. Furthermore, with a view to enhancing the clarity of the present decision, those applications having been rejected on the same grounds will also be grouped and presented together.

## **Applications relating to the Case**

### **Applications relating to the incident in [REDACTED] IDP Camp**

#### ***Applications deferred until adequate proof of identity is submitted***

##### **Application a/0079/07**

10. Application a/0079/07 is submitted on behalf of a [REDACTED]-year-old girl of Ugandan nationality by a neighbour. It is supported by a proof of identity consisting of a [REDACTED], stating that she is a resident of [REDACTED] and a victim of the attack occurred on [REDACTED] 2004. No proof of identity of the person acting on behalf is submitted. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the existence and identity of the Applicant cannot be considered as duly established and no decision on the merits of the application can be taken until adequate proof of identity of the person acting on behalf of the Applicant is submitted.

##### **Application a/0088/07 and Application a/0104/07**

11. Application a/0088/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a proof of identity consisting of a [REDACTED] from the [REDACTED]; application a/0104/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is also supported by a [REDACTED] from [REDACTED]. In accordance with the principles set forth in



the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the existence and identity of Applicants a/0088/07 and a/0104/07 cannot be considered as duly established and no decision on the merits of their applications can be taken until adequate proof of identity is submitted.

***Application rejected on formal grounds***

**Application a/0089/07**

12. Application a/0089/07 is submitted on behalf of a [REDACTED]-year-old girl of Ugandan nationality by her brother and is supported by a proof of identity consisting of a [REDACTED] from the [REDACTED], a [REDACTED] and a [REDACTED] of the person acting on behalf of the Applicant. The date of birth indicated in the application for the person acting on behalf is obviously mistaken, since it gives the number 17 as the month of birth. Accordingly, application a/0089/07 is rejected on formal grounds and Applicant a/0089/07 is not granted the status of victim in the Case.

***Applications rejected because of narrative not adequately supported***

**Application a/0080/07**

13. Application a/0080/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a proof of identity consisting of a [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0080/07 as a natural person are duly established.

14. Applicant a/0080/07 alleges that on [REDACTED] 2004, a group of Lord's Resistance Army ("LRA") fighters attacked the [REDACTED] Internally Displaced People ("IDP") camp; the attack resulted in the death of [REDACTED] civilians (including his eldest blood sister and "[REDACTED] close relatives"), destruction of civilian properties and abduction of [REDACTED] young men and women. His properties, including goods he used in his trade [REDACTED], were burnt; [REDACTED] and [REDACTED] were robbed. He indicates Joseph Kony as responsible for the attack.

15. The scant narrative does not allow the Single Judge to take the view that the facts alleged by Applicant a/0080/07 appear to be supported by adequate evidence. Such narrative does not include any specific element relating to the Applicant himself and mentions only generic facts which can easily be inferred from any source on the event, including the warrants of arrest issued in the Case<sup>22</sup> (the “Warrants”), this making it debatable even whether the Applicant witnessed the event in person or not. Accordingly, Applicant a/0080/07 is not granted the status of victim of the Case.

#### **Application a/0083/07**

16. Application a/0083/07 is submitted by a [REDACTED]-year-old girl of Ugandan nationality and is supported by a proof of identity consisting of an [REDACTED] issued by [REDACTED]. In accordance with the principles set forth in the First Decision on Victims’ Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0083/07 as a natural person are duly established.
17. Applicant a/0083/07 alleges that she was [REDACTED] at [REDACTED], [REDACTED] since [REDACTED] 2004. On [REDACTED] 2004, she was called by a neighbour and found that her [REDACTED] had been killed during the attack which had taken place at [REDACTED] IDP camp a day earlier. All of her properties had also been destroyed. She indicates the LRA under the command of Okot Odhiambo as responsible for the attack, based on the narratives of individuals having participated in the attack and returned from captivity since.
18. The narrative makes it clear that Applicant a/0083/07 was not a witness to the attack. Accordingly, the Single Judge is of the view that the application is not supported by adequate evidence and Applicant a/0083/07 is not granted the status of victim of the Case.

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<sup>22</sup> Warrant of arrest for Joseph Kony (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).

*Applications rejected because submitted by a minor***Application a/0086/07 and Application a/0087/07**

19. Application a/0086/07 is submitted by a [REDACTED]-year-old girl of Ugandan nationality and is supported by a proof of identity, consisting of a [REDACTED] issued by [REDACTED]; application a/0087/07 is submitted by a [REDACTED]-year-old boy of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED].
20. Whilst the Single Judge is satisfied that the existence and the identity of Applicants a/0086/07 and a/0087/07 as natural persons are duly established, it has to be noted that both Applicants were minor not only at the time when the relevant events took place, but also at the time of the submission of the application. Accordingly, since their applications should have been presented by somebody acting on their behalf, Applicant a/0086/07 and Applicant a/0087/07 are not granted the status of victim of the Case.

*Applications satisfying all requirements under rule 85 of the Rules*

21. The Single Judge will now address those applications relating to the incident having occurred at [REDACTED] IDP camp which appear to satisfy all the requirements set forth under rule 85 of the Rules in respect of the Case.
22. For the purposes of clarity, the Single Judge will recall that such incident is contemplated in the warrants of arrest for Joseph Kony<sup>23</sup>, Vincent Otti<sup>24</sup> and Okot Odhiambo<sup>25</sup>. The narrative of the Prosecutor's application for the warrants alleged that, on or about [REDACTED] 2004, an armed group attacked the [REDACTED] IPD Camp, known also as the [REDACTED] IDP camp, in the [REDACTED] District, rapidly defeated local defence units soldiers and started shooting at and hacking civilians; that the attack resulted in [REDACTED] houses being burnt and the camp [REDACTED], in the death of at least [REDACTED] civilians, and the wounding of at least [REDACTED] civilians. The Chamber

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<sup>23</sup> ICC-02/04-01/05-53.

<sup>24</sup> ICC-02/04-01/05-54.

<sup>25</sup> ICC-02/04-01/05-56.

found that there were reasonable grounds to believe that Joseph Kony committed and, together with other, ordered or induced; that Vincent Otti ordered or induced; and that Okot Odhiambo ordered the commission of the following crimes under the Statute:

- a. murder as a crime against humanity, under article 7(1)(a);
- b. murder as a war crime, under article 8(2)(c)(i);
- c. attack against the civilian population as a war crime, under article 8(2)(e)(i) and
- d. pillaging as a war crime under article 8(2)(e)(v).

23. The events alleged in applications a/0076/07, a/0077/07, a/0078/07, a/0081/07, a/0082/07, a/0084/07, a/0085/07, a/0090/07, a/0091/07, a/0092/07, a/0093/07, a/0094/07, a/0095/07, a/0096/07, a/0097/07, a/0098/07, a/0099/07, a/0100/07, a/0101/07, a/0102/07, a/0103/07, a/0105/07, a/0106/07, a/0107/07, a/0108/07, a/0123/07 appear to fall within the jurisdiction of the Court *ratione temporis*, since they occurred after the entry into force of the Statute and its ratification by Uganda, and *ratione loci*, since they occurred at the IDP Camp of [REDACTED], Uganda<sup>26</sup>. The jurisdiction *ratione materiae* will be examined on an individual basis, in the light of the specific facts alleged in each application.

#### **Application a/0076/07**

24. Application a/0076/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0076/07 as a natural person are duly established.
25. Applicant a/0076/07 alleges that on [REDACTED] 2004, at around [REDACTED], while [REDACTED], he saw people in military attire proceeding towards the barracks of the local guards and then heard gunshots and bomb blasts. As the camp was surrounded, most of the residents were not able to flee despite the

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<sup>26</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*.

recommendation to do so by the guards. Then the attackers started shooting, burning houses, “beating, chopping, cutting and axing” whomever they came across in the camp. He managed to flee, unlike his father who, [REDACTED], stayed behind and was shot dead. His mother was taken from the house she had taken refuge in and severely tortured with a [REDACTED]. She survived the attack, but she is “physically unable to do anything”. He indicates the LRA as responsible for the attack.

26. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
27. The events related by Applicant a/0076/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
28. As a result of the attack on [REDACTED] IDP camp, Applicant a/0076/07 claims having suffered the loss of his father, the tortures inflicted upon his mother, a chronic psychological wound as well as the loss of his house and domestic properties. While the tortures inflicted on the mother do not qualify as physical harm pertaining to the Applicant, the psychological harm lamented by Applicant a/0076/07 might reasonably be the result of being exposed to such serious losses, as well as of the fact of witnessing events of an extremely violent nature. Accordingly, it appears to constitute physical and emotional harm within the meaning of rule 85 of the Rules.
29. In light of the above, Applicant a/0076/07 is granted the status of victim of the Case.

#### **Application a/0077/07**

30. Application a/0077/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED]. In accordance with the principles set forth in the First Decision on Victims’ Applications for Participation, as amended

by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0077/07 as a natural person are duly established.

31. Applicant a/0077/07 alleges that on [REDACTED] 2004, at around [REDACTED], the LRA attacked the [REDACTED] IDP camp, first by invading the barracks of the local defence units and then proceeding firing guns and bombs against the civilian population of the camp. She managed to escape but had to leave her children, including her [REDACTED]-year-old daughter, behind. After a night in the bush, she went back to the camp where she discovered that her daughter had been “pierced [REDACTED] and as well [REDACTED] using a [REDACTED]”; she passed away later in the day [REDACTED]. She indicates the LRA under the command of Okot Odhiambo as responsible for the attack.
32. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
33. The events related by Applicant a/0077/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
34. As a result of the attack on [REDACTED] IDP camp, Applicant a/0077/07 claims having suffered the loss of her daughter, as well as the burning of her house and properties. The psychological harm lamented by Applicant a/0077/07 might reasonably be the result of being exposed to such a serious loss. Accordingly, it appears to constitute emotional harm within the meaning of rule 85 of the Rules.
35. In light of the above, Applicant a/0077/07 is granted the status of victim of the Case.

#### **Application a/0078/07**

36. Application a/0078/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and 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/0078/07 as a natural person are duly established.

37. Applicant a/0078/07 alleges that on [REDACTED] 2004, more than [REDACTED] fighters from the LRA attacked the camp. While resting in his [REDACTED] house, he heard a serious exchange of gunshots; he tried to get up, but realized that two fighters were standing beside him, one with a panga and the other with a gun. He was threatened of being chopped with the panga, tried to escape but was shot in the [REDACTED]. He managed to escape in spite of his bleeding, spent the night in a thicket near [REDACTED] and came back to the camp on the following morning, when he discovered that his house and belongings had been burnt. He spent [REDACTED] at the [REDACTED]. He indicates the LRA under the command of Okot Odhiambo as responsible for the attack.
38. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
39. The events related by Applicant a/0078/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
40. As a result of the attack on [REDACTED] IDP camp, Applicant a/0078/07 claims that his [REDACTED] is paralyzed, this making it impossible for him to perform [REDACTED]. This injury might reasonably be the result of being shot at and, accordingly, appears to constitute physical harm within the meaning of rule 85 of the Rules. He also claims having lost all of his properties.
41. In light of the above, Applicant a/0078/07 is granted the status of victim of the Case.

#### **Application a/0081/07**

42. Application a/0081/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED] as well as a statement issued by the [REDACTED] District [REDACTED] concerning the loss of her properties. In accordance with the principles set forth in the First Decision on Victims'

Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of the Applicant are duly established.

43. It is apparent from the narrative that Applicant a/0081/07 applies for participation both as a victim of the Case (in relation to the attack on [REDACTED] camp) and as a victim in the context of the Situation<sup>27</sup>. The Single Judge will address the application relating to the Case first.
44. As regards the Case, Applicant a/0081/07 alleges that on [REDACTED] 2004, at around [REDACTED], fighters from the LRA attacked the [REDACTED] IDP camp starting from the eastern side, where the local defence units were stationed. She was about to carry some food to her husband, who was [REDACTED], when she saw him running chased by armed forces firing bullets at him. He was shot in the [REDACTED] and died. She sought refuge in her house with two other people, one of whom was shot dead. When the house was set on fire, she ran out and found refuge in a nearby thicket. On the following morning, she went back to the camp to find that her husband and her co-wife had died and that all of her household properties had been burnt and lost. She indicates the LRA rebels under the command of Okot Odhiambo as responsible for the attack.
45. As regards the Case, the alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
46. The events related by Applicant a/0081/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
47. As a result of the attack on [REDACTED] IDP camp, Applicant a/0081/07 claims having lost all of her properties.
48. In light of the above, Applicant a/0081/07 is granted the status of victim of the Case.

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<sup>27</sup> For the assessment of the application relating to the Situation, see *infra*, paragraphs 221-223.



**Application a/0082/07**

49. Application a/0082/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and 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/0082/07 as a natural person are duly established.
50. Applicant a/0082/07 alleges that on [REDACTED] 2004, at around [REDACTED], while [REDACTED] at a camp in his neighbourhood, he heard gunshots coming from the army barracks. He went towards the camp and saw that it had been invaded by the LRA, who were shooting at civilians and setting houses on fire. Frightened, he fled to [REDACTED] IDP camp where he spent the night. On the following morning, he discovered that his wife and one of his daughters had been killed, while another daughter had been captured and his house and property had been burnt. He indicates the LRA under the command of Okot Odhiambo as responsible for the attack.
51. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
52. The events related by Applicant a/0082/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
53. As a result of the attack on [REDACTED] IDP camp, Applicant a/0082/07 claims that he has been left "weak: materially, psychologically, physically and in all ways". He claims that the death during the attack of his wife and daughter left him with a lot of trauma, as well as burdened with responsibilities. His [REDACTED] is paralyzed, this making it impossible for him to perform the [REDACTED]. The consequences lamented by Applicant a/0082/07 might reasonably be the result of suffering such serious losses, as well as of the fact of having witnessed event of an extremely violent nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. He also claims having lost all of his properties.

54. In light of the above, Applicant a/0082/07 is granted the status of victim of the Case.

#### **Application a/0084/07**

55. Application a/0084/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and 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/0084/07 as a natural person are duly established.

56. It is apparent from the narrative that Applicant a/0084/07 applies for participation both as a victim of the Case (in relation to the attack on [REDACTED] camp) and as a victim in the context of the Situation<sup>28</sup>. The Single Judge will address the application relating to the Case first.

57. As regards the Case, she alleges that on [REDACTED] 2004, at around [REDACTED], while she was going to fetch water, she saw two boys coming from the army barracks and shouting that the LRA had invaded the camp. Upon hearing heavy shooting, she decided to take refuge in her house with other people. When her house was set ablaze, she fled. Her co-wife, blood brother and his wife and [REDACTED] children were killed during the attack. She indicates the LRA under the command of Okot Odhiambo as responsible for the attack.

58. As regards the Case, the alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).

59. The events related by Applicant a/0084/07 in respect of the Case appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.

60. As a result of the attack on [REDACTED] IDP camp, Applicant a/0084/07 claims the loss of her brother, his wife and children, as well as her household items. Such harm appears to constitute emotional harm within the meaning of rule 85 of the Rules.

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<sup>28</sup> For the assessment of the application as regards the Situation, see *infra*, paragraphs 224-226.

61. In light of the above, Applicant a/0084/07 is granted the status of victim of the Case.

**Application a/0085/07**

62. Application a/0085/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and 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/0085/07 as a natural person are duly established.

63. Applicant a/0085/07 alleges that on [REDACTED] 2004, while [REDACTED] in her home, she heard a fierce exchange of gunshots and ran outside. She saw a number of men holding pangas, axes, guns and weapons, which made her think it was the LRA even if some of them wore UPDF uniforms. They shot her son, who had [REDACTED]. During her flight, she “got bunged with a [REDACTED]” which fell on her [REDACTED] causing a paralyses. She returned to the camp the following morning and found some of her properties destroyed, some others burnt. She indicates the LRA as responsible for the attack.

64. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).

65. The events related by Applicant a/0085/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.

66. As a result of the attack on [REDACTED] IDP camp, Applicant a/0085/07 claims the loss of her [REDACTED] son and consequent trauma and “psychological torture”. She also claims having been left with a paralyzed [REDACTED]. The consequences lamented by Applicant a/0085/07 might reasonably be the result of suffering such serious losses, as well as of the fact of having witnessed event of an exceedingly violent nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. She also claims having lost a number of her household properties.

67. In light of the above, Applicant a/0085/07 is granted the status of victim of the Case.

**Application a/0090/07**

68. Application a/0090/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and 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/0090/07 as a natural person are duly established.

69. Applicant a/0090/07 alleges that on [REDACTED] 2004, at around [REDACTED], while going to [REDACTED], he heard gunshots coming from the barracks of the army and saw fighters dressed in the UPDF uniforms shooting civilians, burning houses and taking captives. He decided to leave the camp from its western side, only to discover that also that side was a theatre of shooting: other civilians had been shot at and killed while trying to escape. He himself received a bullet in his [REDACTED], in spite of which he managed to escape. Upon returning to the camp on the following morning, he realized that his house and household properties had been burnt. He indicates that the LRA are responsible for the attack as the latter was led by their commander Odhiambo.

70. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).

71. The events related by Applicant a/0090/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.

72. Applicant a/0090/07 claims the paralyzes and persisting ache in his [REDACTED] due to the bullet received during the attack. The injury lamented by Applicant a/0090/07 might reasonably be the result of having been shot at. Accordingly, it appears to constitute harm within the meaning of rule 85 of the Rules. He also claims having lost his house and his household properties.

73. In light of the above, Applicant a/0090/07 is granted the status of victim of the Case.

**Application a/0091/07**

74. Application a/0091/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a proof of identity consisting of a [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0091/07 as a natural person are duly established.

75. Applicant a/0091/07 alleges that on [REDACTED] 2004, she went to [REDACTED] market to buy [REDACTED] as provision for [REDACTED] at [REDACTED] camp. Upon returning to the camp, her brother saw people assembling weapons in a thicket about 700 meters from the camp; then they saw about [REDACTED] fighters dressed in UPDF uniforms coming towards them. They ran back to the camp, where they heard gunshots and were told to take refuge in their houses. However, their house and many others were set on fire, therefore they escaped. Upon coming back to the camp the following morning, she realized that her cousin brother had been killed and that her house, a sum of money and some food had been burnt. She indicates that Okot Odhiambo was commanding the attack and therefore responsible.

76. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).

77. The events related by Applicant a/0091/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.

78. Applicant a/0091/07 claims "getting paralysed" when [REDACTED]. However, her statement does not mention any physical event which would have affected her which might have resulted in such injury. Moreover, no details are provided in respect of the medical treatment she claims having received. Accordingly, only

the economic loss (ie, the loss of her house and various properties) can be taken into account for the purposes of rule 85 of the Rules.

79. In light of the above, Applicant a/0091/07 is granted the status of victim of the Case.

#### **Application a/0092/07**

80. Application a/0092/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and 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/0092/07 as a natural person are duly established.

81. Applicant a/0092/07 alleges that on [REDACTED] 2004, she was cooking in her house when she heard blasts and gunshots coming from the eastern part of the camp, where the barracks were stationed. She got out of her house and escaped to [REDACTED] Camp. Upon returning to [REDACTED] camp on the following morning, she found a number of corpses lying in a pool of blood, including her co-wife and her grandmother. The [REDACTED] of her baby daughter had been chopped; she was taken to the [REDACTED], where she died later in the day. All her household items and food had been burnt inside her house. She believes that the UPDF are responsible for the attack, since the attackers wore UPDF uniforms and arms, and also because the fire started at the barracks where they were stationed.

82. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).

83. The events related by Applicant a/0092/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.

84. Applicant a/0092/07 claims the loss of a child, a co-wife and grandmother in the attack, this entailing trauma and psychological torture, because of the things she was a witness to. Such consequences may reasonably be the result of having

suffered such serious losses, as well as of the fact of having witnessed events of an exceedingly violent nature. Accordingly, they appear to constitute harm within the meaning of rule 85 of the Rules. She also claims having lost his house and his household properties.

85. In light of the above, Applicant a/0092/07 is granted the status of victim of the Case.

#### **Application a/0093/07**

86. Application a/0093/07 is submitted by a [REDACTED]-51 year-old man of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0093/07 as a natural person are duly established.

87. Applicant a/0093/07 alleges that on [REDACTED] 2004, at around [REDACTED], a group of LRA fighters attacked the [REDACTED] IDP Camp at the side where the barracks were stationed, then entered the camp shooting at civilians, burning houses and throwing bombs. As one of such bombs blasted in his compound, he left his family there and fled. Her wife, having been shot at the thigh, stayed behind; she was caught, her head smashed with a [REDACTED] and died. His [REDACTED] child, who had been clubbed [REDACTED], died at the [REDACTED]; his [REDACTED] [REDACTED] as a result of having been hit on the face; another one was abducted and has been away since. He believes that the LRA is responsible for the attack, since some individuals having participated in the attack and later escaped from captivity indicated Okot Odhiambo as the commander of the attack.

88. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).

89. The events related by Applicant a/0093/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.

90. Applicant a/0093/07 claims suffering from “psychological torture” and mental pain due to the death of his wife and son, the abduction of another son and the [REDACTED] caused to a third one during the attack. Such consequences may reasonably be the result of having suffered such serious losses and of having witnessed events of an exceedingly violent nature. Accordingly, they appear to constitute harm within the meaning of rule 85 of the Rules. He also claims the loss of a number of household properties.
91. In light of the above, Applicant a/0093/07 is granted the status of victim of the Case.

#### **Application a/0094/07**

92. Application a/0094/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0094/07 as a natural person are duly established.
93. Applicant a/0094/07 alleges that on [REDACTED] 2004, at around [REDACTED], a group of LRA fighters attacked [REDACTED] IDP camp. As he had just returned home, he heard a serious exchange of gunshots from the barracks side and saw the officer in charge of security matters running towards him and shouting that he should run since the LRA had attacked and overcome the UPDF. He fled together with him to the [REDACTED] and spent the night there. The following morning he returned to the camp, where he found out that his wife had been seriously beaten, his parents killed and his [REDACTED] sons taken captive. His household goods, including cattle, money and food provisions, had been either burnt or robbed. He believes that the LRA led by Okot Odhiambo is responsible for the attack.
94. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).



95. The events related by Applicant a/0094/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
96. Applicant a/0094/07 claims having lost his parents, killed in the attack, as well as the fact that his [REDACTED] sons were abducted and his wife was beaten seriously [REDACTED], this leaving her too weak to perform work. Such consequences appear to constitute harm within the meaning of rule 85 of the Rules. He also claims the loss of household items.
97. In light of the above, Applicant a/0094/07 is granted the status of victim of the Case.

#### **Application a/0095/07**

98. Application a/0095/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED] issued by [REDACTED]. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0095/07 as a natural person are duly established.
99. Applicant a/0095/07 alleges that on [REDACTED] 2004, more than [REDACTED] fighters of the LRA attacked the eastern side of [REDACTED] IDP camp, where the army barracks were situated. After defeating the army, the fighters proceeded to the camp where they started shooting, axing, beating to death and burning civilians. He first hid inside his residence and then managed to escape to [REDACTED], where he spent the night. The following morning he returned to the camp where he discovered that his mother, elder son and grandson had been killed and that his household properties had been burnt. He believes that the LRA is responsible for the attack, since there were reports to the effect that they were in the area during that time and since some participants in the attack, having since returned, indicated Okot Odhiambo as the commander of the attack.

100. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
101. The events related by Applicant a/0095/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
102. Applicant a/0095/07 claims having lost his brother and mother in the attack, thus becoming responsible for his sister-in-law and her children. Such consequences appear to constitute harm within the meaning of rule 85 of the Rules. He also claims having lost all his household properties.
103. In light of the above, Applicant a/0095/07 is granted the status of victim of the Case.

#### **Application a/0096/07**

104. Application a/0096/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0096/07 as a natural person are duly established.
105. Applicant a/0096/07 alleges that on [REDACTED] 2004, at around [REDACTED], while sitting in her house with her husband, she heard a bomb blast coming from the side of the army barracks. She realized that LRA fighters, dressed in UPDF uniforms, had invaded the camp and started shooting at civilians, burning houses and holding young and women as captives. She hid under the bed, while her husband stood on the door and was taken by the fighters, who also discovered her and beat her until she [REDACTED]. She found the dead body of her husband on the following morning. Her house was set ablaze and her household properties were burnt. She was taken to [REDACTED]. She believes that Okot Odhiambo is responsible for the attack, on the basis of statements by participants in the attack who later fled and returned home.

106. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
107. The events related by Applicant a/0096/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
108. Applicant a/0096/07 claims having lost her husband, as well as persistently suffering from [REDACTED] pain, the latter because of the fact of having been heavily beaten. Such consequences may reasonably be the result of a serious loss, and of the fact of having been exposed to heavy beating. Accordingly, they appear to constitute emotional and physical harm within the meaning of rule 85 of the Rules. She also claims having lost all of her household properties.
109. In light of the above, Applicant a/0096/07 is granted the status of victim of the Case.

#### **Application a/0097/07**

110. Application a/0097/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a piece of identity consisting of a [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0097/07 as a natural person are duly established.
111. It is apparent from the narrative that Applicant a/0097/07 applies for participation both as a victim of the Case (in relation to the attack on [REDACTED] camp) and as a victim in the context of the Situation<sup>29</sup>. The Single Judge will address the application relating to the Case first.
112. As regards the Case, she alleges that on [REDACTED] 2004, she was resting in her house, when she heard very intense exchange of gunshots coming from the eastern wing of the camp, followed by a series of bomb blasts. She lay on the floor and saw fighters dressed in the UPDF uniforms shooting at civilians and burning huts. She fled towards [REDACTED], where she spent the night. On the

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<sup>29</sup> For the assessment of the application as regards the Situation, see *infra*, paragraphs 227-230.

following morning, she came back to the camp and found that her husband had been killed and her household properties burnt. She believes that UPDF are responsible for the attack.

113. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
114. The events related by Applicant a/0097/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
115. Applicant a/0097/07 claims having lost her husband, as a consequence of which she is left with responsibility for the children. This appears to amount to emotional harm within the meaning of rule 85 of the Rules. She also claims that her household properties have been burnt.
116. In light of the above, Applicant a/0097/07 is granted the status of victim of the Case.

#### **Application a/0098/07**

117. Application a/0098/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a piece of identity consisting of a [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0098/07 as a natural person are duly established.
118. Applicant a/0098/07 alleges that on [REDACTED] 2004, the LRA attacked the [REDACTED] IDP camp. After storming the local defence army barracks, they launched “the worst vigorous attack” upon the civilian population of the camp. Her husband was at home, whereas she had gone [REDACTED] in the middle of the camp; therefore, she hid inside a house other than her own. A rebel entered that house and ordered her to follow him; once outside she was able to flee. The following morning she discovered that her husband had been shot dead. She believes that the LRA under the command of Okot Odhiambo are responsible for

the attack, based upon the narratives of children having been abducted during the attack.

119. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
120. The events related by Applicant a/0098/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
121. Applicant a/0098/07 claims the loss of her husband and the consequent worry and psychological torture. Such consequences may reasonably be the result of being exposed to such a serious loss. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. She also claims the destruction of her home and properties, burnt during the attack.
122. In light of the above, Applicant a/0098/07 is granted the status of victim of the Case.

#### **Application a/0099/07**

123. Application a/0099/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0099/07 as a natural person are duly established.
124. Applicant a/0099/07 alleges that on [REDACTED] 2004, the LRA rebels attacked [REDACTED] IDP Camp: one group attacked the barracks where the local defence units were stationed, while the other attacked the camp. At first, she did not heed the order to come out of their house, due to the fact that she could hear that people were being shot at. However, when the house was set ablaze, she stepped outside, where she was struck with a [REDACTED] and then hit [REDACTED] with a [REDACTED]. Her husband was also tortured, [REDACTED] and has since suffered from [REDACTED]. She believes that the LRA under the command of Okot Odhiambo is responsible for the attack.

125. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
126. The events related by Applicant a/0099/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
127. Applicant a/0099/07 claims that being still suffering from [REDACTED] pain. Such consequence may reasonably be the result of having been seriously beaten. She also laments that her husband suffers from [REDACTED] since having been tortured in the attack, which makes it necessary for her to tend after him and their children. Accordingly, Applicant a/0099/07 appears to suffer from physical and emotional harm within the meaning of rule 85 of the Rules. She also claims the destruction of her home and personal properties.
128. In light of the above, Applicant a/0099/07 is granted the status of victim of the Case.

#### **Application a/0100/07**

129. Application a/0100/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0100/07 as a natural person are duly established.
130. Applicant a/0100/07 alleges that on [REDACTED] 2004, when he had just returned from town and was “[REDACTED]”, the LRA attacked the camp, first overpowering the local defence forces and then spreading into the camp. They first threw bombs and then started murdering civilians “through beating, axing, pounding, cutting using pangas”, as well as burning everything. He fled the house with his mother and [REDACTED] little children, while his father was immediately shot when he reached the door; some [REDACTED], which they found completely burnt when they returned to the camp the following morning. He believes that the LRA under the command of Okot Odhiambo are responsible

for the attack, as told by some of the children having been abducted during the attack and having since returned from captivity.

131. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
132. The events related by Applicant a/0100/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
133. Applicant a/0100/07 claims that his father was shot dead during the attack, as a consequence of which he feels “psychologically tortured”. This may reasonably be the result of having been exposed to such a serious loss, as well as of the fact of having witnessed events of an exceedingly violent nature. Accordingly, it appears to constitute harm within the meaning of rule 85 of the Rules. He also claims that his domestic properties were burnt.
134. In light of the above, Applicant a/0100/07 is granted the status of victim of the Case.

#### **Application a/0101/07**

135. Application a/0101/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED] issued by [REDACTED]. In accordance with the principles set forth in the First Decision on Victims’ Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0101/07 as a natural person are duly established.
136. Applicant a/0101/07 alleges that on [REDACTED] 2004, at about [REDACTED] the LRA rebels stormed the [REDACTED] IDP camp, first launching bombs and guns against the barracks where the local defence units were stationed and then, once the army overpowered, by attacking the civilian population of the camp “bombing, shooting, beating, cutting and burning people”. They first hid in their house, until it was set ablaze. Upon leaving the

house, she was slashed on the neck with a [REDACTED]. Her daughter-in-law was taken to [REDACTED] and tortured, as a result of which she is no longer able to take care of her baby child. She believes that the LRA are responsible for the attack.

137. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
138. The events related by Applicant a/0101/07 appear consistent with those mirrored in the Warrants.
139. Applicant a/0101/07 claims having been slashed with [REDACTED], as a result of which she is still suffering of [REDACTED] pain making her unfit for any heavy work. She also claims that her daughter-in-law was severely tortured, this causing her psychological pain and making it necessary for Applicant a/0101/07 to attend her grand-child. Such consequences may reasonably be the result of having been seriously beaten. Accordingly, they appear to constitute harm within the meaning of rule 85 of the Rules. She also claims the destruction of all of her properties.
140. In light of the above, Applicant a/0101/07 is granted the status of victim of the Case.

#### **Application a/0102/07**

141. Application a/0102/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0102/07 as a natural person are duly established.
142. Applicant a/0102/07 alleges that on [REDACTED] 2004, at around [REDACTED], while she had gone [REDACTED], she heard gunshots and bombs exploding from the barracks occupied by the army guards. She wanted to go back to her home where her children were, only she realized that rebels from the LRA were all over the camp, bullets flying and houses burning. While running



and crying she stumbled into the Office Commander, who advised her not to go back to her home. Accordingly, she ran into the bush. On the following morning, she returned to the camp where she discovered that [REDACTED] children of hers had been burnt to death, while her husband had been first “smashed” and then burnt. [REDACTED] other children had also suffered from severe burns, in particular a girl who was made [REDACTED]. She blames the LRA as responsible for the attacks.

143. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
144. The events related by Applicant a/0092/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
145. As a result of the attack on [REDACTED] IDP camp, Applicant a/0102/07 claims having suffered the loss of her husband, [REDACTED] of her children, as well as persisting psychological torture and trauma as a consequence thereof. Such consequences might reasonably be the result of being exposed to such serious losses, as well as of the fact of witnessing events of an extremely violent nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules.
146. In light of the above, Applicant a/0102/07 is granted the status of victim of the Case.

#### **Application a/0103/07**

147. Application a/0103/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and 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/0103/07 as a natural person are duly established.
148. Applicant a/0103/07 alleges that on [REDACTED] 2004, at around [REDACTED], the inhabitants of the camp “started hearing gunshots and loud

bomb blasts” coming from the section of the camp where the local guards were stationed. They fled into their houses and soon realized that the guards had been defeated by the attacking rebels, who shot, threw bombs and set houses ablaze. Realizing that people were being burnt inside the houses, she managed to flee together with her [REDACTED] small children, while her [REDACTED] stayed behind and were shot. [REDACTED] and [REDACTED] died instantly, while [REDACTED] died later [REDACTED].

149. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).

150. The events related by Applicant a/0103/07 appear consistent with those mirrored in the Warrants.

151. As a result of the attack on [REDACTED] IDP camp, Applicant a/0103/07 claims having suffered the loss of her [REDACTED] and being still suffering of “psychological torture due to trauma and heartbreak”. Such consequences might reasonably be the result of being exposed to such serious losses, as well as of the fact of witnessing events of an extremely violent nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. She also claims the loss of her house and domestic properties, which were burnt, as well as the fact of being responsible for the children of her dead sisters.

152. In light of the above, Applicant a/0103/07 is granted the status of victim of the Case.

#### **Application a/0105/07**

153. Application a/0105/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED]. In accordance with the principles set forth in the First Decision on Victims’ Applications for Participation, the Single

Judge is satisfied that the existence and identity of Applicant a/0105/07 are duly established.

154. Applicant a/0105/07 alleges that on [REDACTED] 2004, at around [REDACTED], he was at home with his parents when they heard bombs being thrown and shooting. After overpowering the guards, the rebels shouted, threw bombs “while beating, cutting and axing people using pounding sticks, pangas and axes” as well as setting houses on fire. Therefore he and his parents fled the house; he managed to escape to the bush, where he spent the night, but his father was shot and died; the following morning, upon returning to the camp, he realized that the same fate had befallen his mother. He indicates the LRA under the command of Okot Odhiambo as responsible for the attack.
155. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
156. The events related by Applicant a/0105/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
157. As a result of the attack on [REDACTED] IDP camp, Applicant a/0105/07 claims having suffered the loss of his parents and being as a consequence responsible for his [REDACTED] brothers and sister. He maintains that he is also persistently suffering from “mental pain as a result of trauma and psychological torture”. Such consequences might reasonably be the result of being exposed to such serious losses, as well as of the fact of witnessing events of an extremely violent nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. He also claims the loss of his domestic properties, which were burnt.
158. In light of the above, Applicant a/0105/07 is granted the status of victim of the Case.

#### **Application a/0106/07**

159. Application a/0106/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and 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/0106/07 as a natural person are duly established.
160. Applicant a/0106/07 alleges that, on [REDACTED] 2004, at around [REDACTED], he had just reached the western side of [REDACTED] camp [REDACTED], together with his wife and other colleagues, when he heard heavy gunshots and bombing. They realized that the houses were set on fire. He decided to try and leave the camp, however his wife was shot [REDACTED], while he himself received a bullet. In spite of this, he managed to run to [REDACTED] where he spent the night and [REDACTED]. He returned to the camp the following morning and found the body of his wife [REDACTED]. He indicates the LRA as responsible for the attack.
161. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
162. The events related by Applicant a/0106/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
163. As a result of the attack on [REDACTED] IDP camp, Applicant a/0106/07 claims being paralysed in his [REDACTED] and suffering from severe pains when [REDACTED]. Such injuries might reasonably be the result of being shot at. He also claims the loss of his wife, which resulted in "psychological torture" for him and his children. Such consequence might reasonably be the result of being exposed to such serious losses, as well as of the fact of witnessing events of an extremely violent nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. He also claims the loss of his house and domestic properties, which were burnt.
164. In light of the above, a/0106/07 is granted the status of victim of the Case.

**Application a/0107/07**

165. Application a/0107/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED]. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0107/07 as a natural person are duly established.
166. Applicant a/0107/07 alleges that, on [REDACTED] 2004, at around [REDACTED], he saw a man coming running from outside the camp and warning the local guards that he had "collided with" a group of armed men in military uniforms whom he thought were rebels. No more than three minutes after, these men arrived at the guards' barracks and began bombing and shooting, thus killing most of the guards. Afterwards, he reports that "all sorts of anger, cruelties, brutality, murders and various forms of tortures and atrocities" were committed in the camp. He was shot at the [REDACTED] while trying [REDACTED], so he ran away and spent the night in the bush. He alleges having lost [REDACTED] brothers in the attack and indicates the LRA as responsible, in particular because the attackers spoke Luo.
167. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
168. The events related by Applicant a/0107/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
169. As a result of the attack on [REDACTED] IDP camp, Applicant a/0107/07 claims the loss of his [REDACTED] brothers, having been shot in the [REDACTED] and suffering from "constant psychological play-back of the events and heartbreaks". Such consequences might reasonably be the result of being exposed to such serious losses, as well as of the fact of witnessing events of an extremely violent nature. Accordingly, they appear to constitute physical and

emotional harm within the meaning of rule 85 of the Rules. He also claims the loss of his house and domestic properties, which were burnt.

170. In light of the above, Applicant a/0107/07 is granted the status of victim of the Case.

#### **Application a/0108/07**

171. Application a/0108/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by proof of identity consisting of [REDACTED] as well as [REDACTED] issued by [REDACTED]. In accordance with the principles set forth in the First Decision on victims' applications for participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0108/07 as a natural person are duly established.

172. It is apparent from the narrative that Applicant a/0108/07 applies for participation both as a victim of the Case (in relation to the attack on [REDACTED] camp) and as a victim in the context of the Situation<sup>30</sup>. The Single Judge will assess the application relating to the Case first.

173. As regards the Case, Applicant a/0108/07 alleges that, after having [REDACTED], he had joined his family, who was living at [REDACTED], where he was on [REDACTED] 2004. On that day, at around [REDACTED], while returning to the camp from the outside, he heard gunshots. He states that the LRA rebels were so many that they overcame the army and committed severe atrocities on civilians in the camp. He tried to run away but was shot in the [REDACTED] and [REDACTED]; in spite of his injuries, he managed to escape to [REDACTED] Camp. Upon returning to [REDACTED] the following morning, he found that his father, sister and step-mother had been killed. At [REDACTED], he found his mother, also shot and burnt. He indicates Odhiambo, Okullu and Otti as responsible for the attack.

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<sup>30</sup> For the assessment of the application as regards the Situation, see *infra*, paragraphs 257-261.

174. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
175. The events related by Applicant a/0108/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
176. As a result of the attack on [REDACTED] IDP camp, Applicant a/0108/07 claims the loss of his father, sister and step-mother and the destruction of his properties. As a result of the abduction, he claims suffering from persistent [REDACTED] pain, as well as “psychological torture” and trauma. The injuries alleged by Applicant a/0108/07 might reasonably be the result of being exposed to such serious losses, as well as of the fact of witnessing events of an extremely violent nature. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules.
177. In light of the above, Applicant a/0108/07 is granted the status of victim of the Case.

#### **Application a/0123/07**

178. Application a/0123/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED], as well as by [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0123/07 as a natural person are duly established.
179. The narrative makes it clear that Applicant a/0123/07 applies as victim of the Case as well as victim in the context of the Situation<sup>31</sup>. The Single Judge will assess the application relating to the Case first.
180. As regards the Case, Applicant a/0123/07 alleges that, on [REDACTED] 2004, the [REDACTED] IDP camp was attacked, starting with bomb blasts followed by fierce exchange of shots and burning of the huts. He managed to escape with his

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<sup>31</sup> For the assessment of the application as regards the Situation, see *infra*, paragraphs 241-244.

wife. On the following morning, he went back to [REDACTED], where he found out that his father had been killed and that his properties were burnt inside the huts. He states that the attack on [REDACTED] IDP Camp was carried out by "the same people" responsible for his [REDACTED], namely the LRA and its [REDACTED].

181. The alleged events appear to fall within the jurisdiction of the Court *ratione materiae*, since they may constitute several crimes under the Statute, in particular under articles 7(1)(a); 8(2)(c)(i); 8(2)(e)(i) and 8(2)(e)(v).
182. The events related by Applicant a/0123/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
183. As a result of the attack on [REDACTED] IDP camp, Applicant a/0123/07 claims to have suffered emotional harm due to the killing of his father, as well as economic loss, as all his foodstuff was taken. These consequences appear to constitute harm within the meaning of rule 85 of the Rules.
184. In light of the above, Applicant a/0123/07 is granted the status of victim of the Case.

#### **Incident relating to [REDACTED] IDP camp**

#### ***Applications rejected because of narrative not adequately supported***

##### **Application a/0110/07**

185. Application a/0110/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and 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/0110/07 as a natural person are duly established.
186. Applicant a/0110/07 claims having suffered and being still suffering from severe psychological and emotional harm as a result of the abduction of his brother from [REDACTED] during the night of [REDACTED] 2003. Furthermore, he claims having suffered material loss due to the burning of the houses in



[REDACTED] Camp on [REDACTED] 2004. He indicates “the group of the Lord’s Resistance Army” as being responsible for the abduction.

187. The narrative makes it clear that Applicant a/0110/07 was not a direct witness to the events. Accordingly, the Single Judge is of the view that his statements are not supported by adequate evidence for the purposes of the present proceedings. Furthermore, Applicant a/0110/07 also acted as intermediary assisting prospective victims to prepare and file their applications, which raises a serious issue of conflict of interest and disqualifies him from presenting an application for participation in the present proceedings. Accordingly, Applicant a/0110/07 is not granted the status of victim either of the Case or in the context of the Situation.

#### **Application a/0111/07**

188. Application a/0111/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0111/07 as a natural person are duly established.

189. Applicant a/0111/07 alleges that, at [REDACTED] on [REDACTED], “the LRA rebels came in a big number”, surrounded [REDACTED] Camp and shot dead his mother and some of his relatives. He indicates Okot Odhiambo as the commander of the group carrying out the attack.

190. He claims that the death of his mother resulted in despair and in a lot of responsibilities being put over him, including responsibilities of an economic nature, as well as economic loss as a consequence of houses and domestic properties being burnt and looted.

191. The scant narrative does not allow the Single Judge to take the view that the facts alleged by Applicant a/0111/07 appear to be supported by adequate evidence. The fact that such narrative is composed for more than a half of statements relating to the general situation in Northern Uganda, while the

narrative of the specific incident does not include any specific element relating to the Applicant himself, makes it debatable even whether the Applicant witnessed the event in person or not. Accordingly, Applicant a/0111/07 is not granted the status of victim of the Case.

***Applications satisfying all the requirements under rule 85 of the Rules***

192. The Single Judge will now address those applications relating to the incident having occurred at [REDACTED] IDP camp which appear to satisfy all the requirements set forth under rule 85 of the Rules in respect of the Case. For the purposes of clarity, the Single Judge will recall that such incident is contemplated in the warrants of arrest for Joseph Kony<sup>32</sup>, Vincent Otti<sup>33</sup> and Okot Odhiambo<sup>34</sup>. The narrative of the Prosecutor's application for the warrants alleged that, on or about [REDACTED] 2004, the residents of the [REDACTED] IDP camp in the [REDACTED] District were attacked by a group of at least [REDACTED] men, women and children, who first shot at some soldiers of the Ugandan Army and then spread through the camp hacking and shooting civilians, burning home and looting for about two hours; that the attack resulted in the death of at least [REDACTED] civilians, the wounding of [REDACTED] other civilians as well as in the abduction of at least [REDACTED] civilians, as well as in weapons and other items being taken. The Chamber found that there were reasonable grounds to believe that Joseph Kony committed and, together with other ordered or induced the commission; that Vincent Otti ordered or induced; and that Okot Odhiambo ordered the commission of the following crimes:

- a. murder as a crime against humanity, under article 7(1)(a);
- b. enslavement as a crime against humanity, under article 7(1)(c);
- c. murder as a war crime, under article 8(2)(c)(i);
- d. enlisting of children as a war crime under article 8(2)(e)(vii);

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<sup>32</sup> ICC-02/04-01/05-53.

<sup>33</sup> ICC-02/04-01/05-54.

<sup>34</sup> ICC-02/04-01/05-56.

- e. attack against the civilian population as a war crime, under article 8(2)(e)(i) and
- f. pillaging as a war crime under article 8(2)(e)(v).

### **Application a/0112/07**

193. Application a/0112/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0112/07 as a natural person are duly established.

194. Applicant a/0112/07 alleges that, on [REDACTED] 2004, at about [REDACTED], “the LRA rebels surrounded the camp and started firing” at both soldiers and civilians. She maintains that, as a result of the pursuing by the rebels, the soldiers “left the civilians alone”. The rebels set then several huts on fire, this causing many to be burned. Her brother was shot and had his [REDACTED]. Furthermore, she relates that her father died in the incident. She indicates the LRA as being responsible for the attack.

195. She claims that, beside the death of her father and the shooting and consequent [REDACTED] of his brother, all the family’s domestic properties were lost as a result of the attack. As personal harm, she mentions “heart pain and anguish, psychological torture”, as well as the fact of being left without her father.

196. 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] Camp, Uganda<sup>35</sup>; and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular under articles 7(1)(a); 7(1)(c); 8(2)(c)(i); 8(2)(e)(i); 8(2)(e)(vii) and 8(2)(e)(v).

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<sup>35</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*.

197. The events related by Applicant a/0112/07 appear consistent with those mirrored in the Warrants and, accordingly, supported by sufficient information for the purposes of the present decision.
198. The harm mentioned by Applicant a/0112/07 might reasonably be the result of being witness to events of an exceedingly violent nature, as well as the result of losing one's next of kin in a shocking way. Accordingly, they appear to constitute emotional harm within the meaning of rule 85 of the Rules. Applicant a/0112/07 also appears to have suffered economic loss, due to the burning of the house and the belongings.
199. In light of the above, Applicant a/0112/07 is granted the status of victim of the Case.

### **Applications relating to the Situation**

#### *Applications deferred for need of clarification or for lack of adequate proof of identity in light of the Second Decision on Victims' Participation*

##### **Application a/0014/07**

200. Application a/0014/07 is submitted on behalf of a boy of Ugandan nationality, indicating an age of [REDACTED] years and [REDACTED] as his date of birth. It is supported by [REDACTED] issued by [REDACTED]. However, the discrepancy between the age and the date of birth given in the application does not allow the Single Judge to be satisfied that the existence and the identity of Applicant a/0014/07 as a natural person are duly established. Accordingly, a decision on the merits of application a/0014/07 cannot be taken until clarification is provided in this respect.

##### **Application a/0017/07 and Application a/0018/07**

201. Application a/0017/07 is submitted on behalf of a [REDACTED]-year-old girl of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED] of [REDACTED], stating she was

abducted on [REDACTED] 2003 from [REDACTED] District, [REDACTED] County, [REDACTED] Sub-County; Application a/0018/07 is submitted on behalf of a [REDACTED]-year-old boy of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED]. A [REDACTED] of the person acting on behalf of the Applicants is submitted for both applications. However, in accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, a decision on the merits of applications a/0017/07 and a/0018/07 cannot be made until the Single Judge receives adequate proof of the link between the applicants and the person acting on their behalf.

#### **Application a/0113/07**

202. Application a/0113/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a proof of identity consisting of a [REDACTED] stating that he is a resident of [REDACTED] Village, [REDACTED] Parish, [REDACTED] Sub-County, [REDACTED] North, [REDACTED], Uganda. However, the quality of the copy of such [REDACTED] is too poor for the Single Judge to be able to decipher the authority having issued it. Accordingly, a decision on the merits of applications a/0113/07 is deferred until a readable copy of the document is submitted.

#### ***Applications rejected on formal grounds***

#### **Application a/0122/07**

203. Application a/0122/07 is submitted on behalf of a [REDACTED]-year-old girl of Ugandan nationality. The application appears severely flawed in several respects, namely: a) no piece of identity of the Applicant is provided; b) no piece of identity of the person acting on her behalf is submitted, in spite of the form saying that a voting card of the latter is; c) no proof of the link between the Applicant and the person acting on her behalf is provided; d) it comprises two pages five, each of which states a different place as current location of the

Applicant. Accordingly, Applicant a/0122/07 is not granted the status of victim in the context of the Situation.

*Applications rejected for lack of correspondence between Applicant and harm allegedly suffered*

**Application a/0015/07**

204. Application a/0015/07 is submitted on behalf of a [REDACTED]-year-old boy of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] from [REDACTED], stating he is a resident of [REDACTED] Village, [REDACTED] Parish, [REDACTED], [REDACTED]. A [REDACTED] of the person acting on his behalf is also submitted. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0015/07 as a natural person are duly established.

205. Application a/0015/07 is peculiar in that it is brought in the name and on behalf of an individual who was allegedly abducted from his home village in 2002 and whose fate is uncertain since then. The application form states that he was displaced from [REDACTED], [REDACTED] Parish, [REDACTED], [REDACTED], Uganda, and is currently living at [REDACTED], [REDACTED], [REDACTED], [REDACTED], Uganda. However, the narrative of the events clarifies that he has not returned from captivity since having been allegedly abducted in 2002. Accordingly, it is to be inferred that the location given as residence is not those of the Applicant, but rather that of the person acting on his behalf. Similarly, "a lot of trauma and psychological torture" because of the constant thought of her nephew's fate, as well as a condition of [REDACTED] having arisen as a consequence of the reported events, are claimed as harm suffered, thus making it clear that such harm is pertaining to the person acting on behalf as opposed to the Applicant victim himself.

206. Rule 85 of the Rules defines victims, *inter alia*, as natural persons “who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court”, thus establishing the need for a direct link between the person wishing to qualify as a victim and the harm allegedly suffered. No provision is made for the status of victim being granted on the basis of the harm allegedly suffered by the person acting *on behalf of* the Applicant.
207. In the light of the above, the Single Judge takes the view that application a/0015/07 does not meet the minimum requirements set forth under rule 85 of the Rules and must therefore be rejected *in limine*. Such fundamental flaws make it unnecessary for the Single Judge to require that adequate proof be given of the link between the Applicant and the person acting on his behalf. Equally unnecessary is for the Single Judge to assess whether the alleged events appear to fall within the jurisdiction of the Court and whether the statements given by the person acting on behalf of the alleged victim provide adequate evidence of the alleged facts.

#### **Application a/0016/07**

208. Application a/0016/07 is submitted on behalf of a [REDACTED]-year-old boy of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] from [REDACTED], stating he was abducted on [REDACTED] 2002 from [REDACTED]. A [REDACTED] of his father, acting on his behalf, is also submitted. In accordance with the principles set forth in the First Decision on Victims’ Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0016/07 as a natural person are duly established.
209. Application a/0016/07 shares most of the peculiarities as highlighted in respect of application a/0015/07. It is brought in the name and on behalf of an individual who was allegedly abducted from his home on [REDACTED] 2002 and whose fate is uncertain since then. The application form states that he was displaced from [REDACTED], [REDACTED], [REDACTED] Sub-County,

[REDACTED], [REDACTED], Uganda, and is currently living at [REDACTED], [REDACTED], [REDACTED], [REDACTED], Uganda. However, the narrative of the events clarifies that the Applicant has not returned from captivity since having been allegedly abducted in 2002. Accordingly, it is to be inferred that the location given as residence is not that of the Applicant, but rather that of the person acting on his behalf. Similarly, the loss of the son and the fact of having been beaten and “greatly humiliated” are claimed as harm suffered, thus making it clear that such harm is pertaining to the father acting on behalf of his son as opposed to the Applicant victim himself.

210. As said in respect of application a/0015/07, rule 85 of the Rules establishes the need for a direct link between the person wishing to qualify as a victim and the harm allegedly suffered and no provision is made for the status of victim being granted on the basis of the harm allegedly suffered by the person acting on behalf of the Applicant. Accordingly, application a/0016/07 must be rejected *in limine*.

#### **Application a/0019/07**

211. Application a/0019/07 is submitted on behalf of a [REDACTED]-year-old boy of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED], stating that he was a resident of [REDACTED] Parish, [REDACTED] and that he was abducted on [REDACTED] 2002. A [REDACTED] of the person acting on his behalf, his aunt, is also submitted.

212. Application a/0019/07 shares most of the peculiarities as highlighted in respect of applications a/0015/07 and a/0016/07. It is brought in the name and on behalf of an individual who was allegedly abducted from his home on [REDACTED] 2002 and whose fate is uncertain since then. The application form states that he was displaced from [REDACTED] Village, [REDACTED] Sub-county, [REDACTED], [REDACTED], Uganda, and is currently living at [REDACTED], [REDACTED], [REDACTED] County, [REDACTED], Uganda. However, the narrative of the events clarifies that the Applicant has not returned



from captivity since having been allegedly abducted in 2002. Accordingly, it is to be inferred that the location given as residence is not that of the Applicant, but rather that of the person acting on his behalf. Similarly, the fact that the Applicant "has not returned" since having been captured and that the community has "lost him" are claimed as harm suffered, thus making it clear that such harm is pertaining to the person acting on his behalf as opposed to the Applicant victim himself.

213. As said in respect of application a/0015/07, rule 85 of the Rules establishes the need for a direct link between the person wishing to qualify as a victim and the harm allegedly suffered and no provision is made for the status of victim being granted on the basis of the harm allegedly suffered by the person acting on behalf of the Applicant. Accordingly, application a/0019/07 must be rejected *in limine*.

#### **Application a/0020/07**

214. Application a/0020/07 is submitted on behalf of a [REDACTED]-year-old man of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED]. A [REDACTED] of the person acting on his behalf, his wife, is also submitted.
215. Application a/0020/07 shares some of the peculiarities highlighted in respect of applications a/0015/07, a/0016/07 and a/0019/07. Although the Applicant is not a minor, it is brought in his name and on his behalf by his wife since he was allegedly abducted from his home on [REDACTED] 2003 and his fate is uncertain since then. The application form states that he was displaced from [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], Uganda, and is currently living at [REDACTED] IDP, [REDACTED], [REDACTED], [REDACTED], [REDACTED], Uganda. However, the narrative of the events clarifies that the Applicant has not returned from captivity since having been allegedly abducted in 2003. Accordingly, it is to be inferred that the location given as residence is not that of the Applicant, but rather of the person acting on his behalf. Similarly, the "forced separation" from the husband, the

excessive responsibilities for the children and the standing trauma and worries suffered because of the fear that he may have been killed claimed *inter alia* as harm make it clear that such harm is pertaining to the person acting on his behalf as opposed to the Applicant victim himself.

216. As said in respect of application a/0015/07, rule 85 of the Rules establishes the need for a direct link between the person wishing to qualify as a victim and the harm allegedly suffered and no provision is made for the status of victim being granted on the basis of the harm allegedly suffered by the person acting on behalf of the Applicant. Furthermore, rule 89 (3) of the Rules provides that an application for participation in the proceedings may be made by a person on behalf of a victim only when the victim is either a child or disabled, none of which circumstances appearing established in respect of Applicant a/0020/07. Accordingly, application a/0020/07 must be rejected *in limine*.

217. The Single Judge notes that the person acting on behalf of Applicant a/0020/07 also applied for participation in the proceedings in her own name (as Applicant a/0109/07), which application will be assessed on its own merits *infra*<sup>36</sup>.

#### **Application a/0114/07**

218. Application a/0114/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a proof of identity consisting of [REDACTED] issued by [REDACTED]. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0114/07 as a natural person are duly established.

219. Applicant a/0114/07 alleges that, on [REDACTED] 2003, at [REDACTED], rebels of the LRA came to her house and made her follow them together with her [REDACTED] and other members of her family. She was given heavy loads to carry on her head and made her cross [REDACTED] during the night, prior to reaching [REDACTED] sub-county. She was released on the following morning,

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<sup>36</sup> Paragraphs 231-233.

while two of her in-laws were kept in captivity for [REDACTED]. She claims that her child has been sick ever since, due to exposure to cold [REDACTED].

220. The only harm allegedly suffered by Applicant a/0114/07 as a result of the event consists of an undetermined "sickness" persistently affecting her child. Since rule 85 is clear in requiring that the harm be suffered by the Applicant, and no such harm is claimed by Applicant a/0114/07, the Single Judge is of the view that the application fails to meet the requirements set forth under rule 85 of the Rules. Accordingly, Applicant a/0114/07 cannot be granted the status of victim in the context of the Situation.

***Applications rejected for narrative not adequately supported***

**Application a/0081/07**

221. Application a/0081/07 has been assessed above within the context of the applications for participation in the Case<sup>37</sup>.

222. As regards the Situation, she alleges that on [REDACTED] 2003, she was attacked and tortured by a group of LRA fighters, who also took household items and cattle. She indicates the LRA as responsible for the attack.

223. Applicant a/0081/07 does not provide details of the specific location where the alleged event took place. Accordingly, the Single Judge is of the view that Applicant a/0081/07 fails to provide adequate proof of the requirements set forth under rule 85 of the Rules in respect of the Situation and, accordingly, cannot be granted the status of victim in the context of the Situation.

**Application a/0084/07**

224. Application a/0084/07 has been assessed above within the context of the applications for participation in the Case<sup>38</sup>.

225. As regards the Situation, Applicant a/0084/07 alleges that, in [REDACTED] 2003, [REDACTED] months prior to the attack on [REDACTED] IDP camp, she

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<sup>37</sup> See above, paragraphs 42-48.

<sup>38</sup> See above, paragraphs 55-61.

was attacked with her husband while in her home and seriously beaten. She was left there while her husband was taken by the attackers and found dead three days later.

226. The narrative provided by Applicant a/0084/07 in respect of the Situation is too vague for the Single Judge to be able to assess its merits on the basis of corroborating information from external sources. Accordingly, the Single Judge is of the view that Applicant a/0084/07 fails provide adequate proof of the requirements set forth under rule 85 of the Rules in respect of the Situation and, accordingly, cannot be granted the status of victim in the context of the Situation.

#### **Application a/0097/07**

227. Application a/0097/07 has been assessed above within the context of the applications for participation in the Case<sup>39</sup>.

228. As regards the Situation, Applicant a/0097/07 states that in [REDACTED] 2003 she was attacked in her home in the village of [REDACTED], [REDACTED] Parish, [REDACTED] Sub-County by a group of fighters [REDACTED] and beaten so seriously as [REDACTED]. Her domestic animals were also robbed. As a consequence of this event, she was displaced to [REDACTED] IDP camp.

229. The narrative provided by Applicant a/0097/07 in respect of the Situation is too vague for the Single Judge to be able to assess its merits on the basis of corroborating information from external sources. In particular, no report seems to be available confirming attacks in the area of residence of the Applicant.

230. Applicant a/0097/07 fails provide adequate proof of the requirements set forth under rule 85 of the Rules in respect of the Situation and, accordingly, cannot be granted the status of victim in the context of the Situation.

#### **Application a/0109/07**

231. Application a/0109/07 is submitted by a [REDACTED]-year-old woman of Ugandan nationality and is supported by a proof of identity consisting of

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<sup>39</sup> See above, paragraphs 110-116.

[REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0109/07 as a natural person are duly established.

232. Applicant a/0109/07 recounts that her husband and she had decided to leave [REDACTED], [REDACTED] in [REDACTED] District because of “prolonged unbearable tortures by the LRA”. She alleges that, during [REDACTED] 2002, at about [REDACTED], her husband ([REDACTED]) and [REDACTED] other people (including her father-in-law) were abducted from [REDACTED] village, where he had returned with a view to [REDACTED]. She maintains being told by her father-in-law that the abducted men were subjected to treatment including being tied and “heavily loaded”. She states that she has not received any news of her husband’s ever since. She indicates the LRA as responsible for the attack.

233. The narrative makes it clear that Applicant a/0109/07 was not a direct witness to the events. Accordingly, the Single Judge is of the view that her statements are not supported by adequate evidence for the purposes of the present proceedings. Furthermore, Applicant a/0109/07 declared not having already submitted an application to the court, whereas she in fact a month earlier had applied on behalf of her husband<sup>40</sup>, this reducing the reliability of her statements. Accordingly, Applicant a/0109/07 is not granted the status of victim in the context of the Situation.

#### **Application a/0110/07**

234. Application a/0110/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and 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/0110/07 as a natural person are duly established.

235. Applicant a/0110/07 claims having suffered and being still suffering from severe psychological and emotional harm as a result of the abduction of his brother from [REDACTED] during the night of [REDACTED] 2003. Furthermore, he claims having suffered material loss due to the burning of the houses in

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<sup>40</sup> a/0020/07: see above, paragraphs 214-217.

[REDACTED] on [REDACTED] 2004. He indicates the LRA as responsible for the abduction.

236. The narrative makes it clear that Applicant a/0110/07 was not a direct witness to the events. Accordingly, the Single Judge is of the view that his statements are not supported by adequate evidence for the purposes of the present proceedings. Accordingly, Applicant a/0110/07 is not granted the status of victim in the context of the Situation.

#### **Application a/0116/07**

237. Application a/0116/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0116/07 as a natural person are duly established.

238. Applicant a/0116/07 states that, at the beginning of [REDACTED] 2003, the LRA abducted his [REDACTED] younger brothers, [REDACTED]. He maintains that the facts of the [REDACTED] are known to him since he was told by other boys having been abducted with his brothers having managed to escape. He claims suffering from anguish and psychological torture because of the fate of his [REDACTED] brother and relates that the brother having returned from captivity has been experiencing serious difficulties in reintegrating into civilian life.

239. The narrative makes it clear that Applicant a/0116/07 was not a direct witness to the facts: at the time of the abduction, he alleges that he was living in [REDACTED], whereas his brothers were staying with his elder brother in [REDACTED], [REDACTED], [REDACTED] District. His narrative appears based on the tale of the other victims to the event who eventually managed to return from captivity. Moreover, the harm claimed by Applicant a/0116/07 is to a great extent harm suffered by his [REDACTED] brothers. As already stated, rule 85 of the Rules is clear in requiring that the relevant harm be suffered by the Applicant.

240. In light of the above, the Single Judge is of the view that the statements submitted by Applicant a/0116/07 are not supported by adequate evidence for the purposes of the present proceedings and that the application fails to meet the requirements set forth under rule 85 of the Rules. Accordingly, Applicant a/0116/07 is not granted the status of victim in the context of the Situation.

**Application a/0123/07**

241. Application a/0123/07 was assessed above within the context of the applications relating to the Case<sup>41</sup>.

242. As regards the Situation, Applicant a/0123/07 states having been abducted from his home village [REDACTED] on [REDACTED] 2003 by a group of LRA fighters under the command of [REDACTED]. He was beaten due to his not walking fast enough on his way to [REDACTED], where a number of other abductees were also kept. Because of his inability to carry heavy weights, he was again beaten, pierced in the [REDACTED] and “chopped” with a [REDACTED] in his [REDACTED]. He then continued carrying the loads in spite of serious bleeding. Unlike others, he was allowed to return home the following day. He states that the attack on [REDACTED] IDP Camp was carried out by “the same people” responsible for his abduction, namely the LRA and its commander [REDACTED].

243. The narrative provided by Applicant a/0123/07 in respect of the Situation is too vague for the Single Judge to be able to assess its merits on the basis of corroborating information from external sources.

244. Applicant a/0123/07 fails provide adequate proof of the requirements set forth under rule 85 of the Rules in respect of the Situation and, accordingly, cannot be granted the status of victim in the context of the Situation.

***Applications rejected because submitted by a minor***

**Applications a/0119/07, a/0120/07 and a/0125/07**

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<sup>41</sup> See above, paragraphs 178-184.

245. Application a/0119/07 is submitted by a [REDACTED]-year-old girl of Ugandan nationality and is supported by two pieces of identity, consisting of [REDACTED] and [REDACTED]; application a/0120/07 is submitted by a [REDACTED]-year-old boy of Ugandan nationality and is supported by two pieces of identity consisting of a [REDACTED] and [REDACTED]; application a/0125/07 is submitted by a boy of Ugandan nationality born on [REDACTED], as certified by [REDACTED] submitted as piece of identity.
246. Whilst the Single Judge is satisfied that the existence and the identity of Applicants a/0119/07, a/0120/07 and a/0125/07 as natural persons are duly established, it has to be noted that all of them were minors not only at the time when the relevant events took place, but also at the time of the submission of the application. Accordingly, since the application should have been presented by somebody acting on their behalf, Applicants a/0119/07, a/0120/07 and a/0125/07 are not granted the status of victim in the context of the Situation.

***Applications rejected because falling outside the scope of the jurisdiction by the Court***

**Application a/121/07**

247. Application a/121/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by two pieces of identity, consisting of a [REDACTED] issued by [REDACTED] and of [REDACTED]. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0121/07 as a natural person are duly established.
248. Applicant a/0121/07 alleges having been abducted on [REDACTED] by [REDACTED] with other [REDACTED]. After a little while, his group joined another one of the LRA and crossed over to [REDACTED]. While in [REDACTED], he received military training. He states participating in several



battles, including in particular at [REDACTED], [REDACTED] in [REDACTED] on [REDACTED], during which he was shot in the [REDACTED]. He alleges having been shot again in [REDACTED], in the [REDACTED], [REDACTED] and [REDACTED]; having been seriously injured in the [REDACTED] during one battle with the UPDF having occurred in [REDACTED] 2003. He eventually managed to escape and receive medical treatment.

249. Most of the events related by Applicant a/0121/07 (in particular, the alleged abduction which was at the origin of the Applicant's involvement with the LRA) took place prior to the entry into force of the Statute, thus falling outside the scope of the jurisdiction of the Court. Accordingly, Applicant a/0121/07 is not granted the status of victim in the context of the Situation.

#### **Application a/0124/07**

250. Application a/0124/07 is submitted by a [REDACTED]-year-old man of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. Accordingly, the Single Judge is satisfied that the existence and the identity of Applicant a/0124/07 as a natural person are duly established.

251. Applicant a/0124/07 alleges that, on [REDACTED], at around [REDACTED], he was captured together with his brother, sister and other neighbours from [REDACTED] by a group of LRA fighters under the command of one [REDACTED], who also went on looting [REDACTED] and making the abductees carrying the looted goods. He then narrates about the military training to which he was submitted in various locations in Uganda.

252. The main event related by Applicant a/0124/07 (ie, the alleged abduction which was at the origin of the Applicant's involvement with the LRA) took place prior to the entry into force of the Statute, thus falling outside the scope of the jurisdiction of the Court. Accordingly, Applicant a/0124/07 is not granted the status of victim in the context of the Situation.

#### ***Applications satisfying all requirements under rule 85 of the Rules***

253. The Single Judge will now assess those applications for participation in the Situation which meet all the requirements set forth under rule 85 of the Rules.
254. For the purposes of determining whether the incidents alleged by the Applicants fall within the scope of the Situation, it should be recalled that, following the referral by the Government of Uganda on 16 December 2003, 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”. In February 2004, the Government of Uganda lodged a declaration of acceptance of jurisdiction, extending the exercise of the temporal jurisdiction of the Court back to 1 July 2002; 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 leadership of the LRA”.
255. Accordingly, all of the incidents related by Applicants a/0108/07, a/0115/07, a/0117/07 and a/0118/07 appear to be included in the scope of the Situation as follows: *ratione temporis*, since they occurred after 1 July 2002; *ratione loci*, since they occurred at various locations in Uganda<sup>42</sup>; and *ratione materiae*, since the facts alleged may constitute several crimes under the Statute, in particular war crimes and crimes against humanity.
256. The Single Judge will now proceed to illustrate the specific features of these applications on an individual basis.

#### **Application a/0108/07**

257. Application a/0108/07 has been assessed above within the context of the applications for participation in the Case<sup>43</sup>.
258. As regards the Situation, Applicant a/0108/07 alleges that, on [REDACTED] 2003, at [REDACTED], his house in [REDACTED], [REDACTED] Sub-County,

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<sup>42</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>43</sup> See above, paragraphs 171-177.

was attacked and he was taken captive with [REDACTED] other persons by a group of LRA fighters led by [REDACTED], who tied him and forced him to follow them. They were later forced to carry heavy loads of goods looted from other villages, until they reached [REDACTED] Sub-County and then a place where a large group was gathered under the command of [REDACTED]. He provides some information as to the different commanders within the LRA, as well as about the activities he was forced to carry out. He reports being under the command of [REDACTED] and a number of incidents regarding the latter. He states having escaped the rebels and joined his family, who was living at [REDACTED], where he was on [REDACTED] 2004.

259. Several aspects of the Applicant's allegations appear to be corroborated by information from external sources. According to the UN Office for the Coordination of Humanitarian Affairs ("OCHA")<sup>44</sup>, on [REDACTED] 2003 the LRA attacked the village of [REDACTED], in [REDACTED] Sub-County, abducted a number of civilians and looted. Since [REDACTED] Sub-County borders [REDACTED] Sub-County [REDACTED] and Applicant a/0108/07 states that the group of abductees was led to [REDACTED] Sub-County shortly after the incident, while looting on their way, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0108/07 appear to be supported by sufficient information.

260. As a result of his abduction, Applicant a/0108/07 claims being still suffering from persistent [REDACTED] pain, which might be reasonably regarded as a consequence of the fact of having been forced to carry heavy loads. He also claims that his education was adversely affected. Such consequences appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules.

261. In light of the above, Applicant a/0108/07 is granted the status of victim in the context of the Situation.

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<sup>44</sup> OCHA-IRIN, [REDACTED]2003 [REDACTED].

**Application a/0115/07**

262. Application a/0115/07 is submitted by [REDACTED]-year-old woman of Ugandan nationality and is supported by a proof of identity consisting of a [REDACTED]. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0115/07 as a natural person are duly established.

263. Applicant a/0115/07 alleges having been abducted from her home village of [REDACTED], [REDACTED] Sub-County, [REDACTED] District, on [REDACTED] 2003 at around [REDACTED] and having been made [REDACTED] to [REDACTED] Sub-County and later to [REDACTED]. During the following months, she and the other people having been abducted in the same incident were kept moving among places and assigned to different commanders of the LRA, including [REDACTED]. She alleges having spent time in [REDACTED] where [REDACTED] was based at the time and where she received military training, which allowed her to participate in attacks against [REDACTED]. She states having been shot by a bullet during one of such attacks. Later on, she was part of the group which [REDACTED] under the command of [REDACTED]. Following a series of attacks by the Ugandan army against the group she was attached to, around [REDACTED] 2005 she decided to report to the army with a view to ending her captivity with the LRA. She indicates commanders of the LRA, including [REDACTED], [REDACTED] and [REDACTED], as responsible for the events.

264. She claims that she suffered harm because of her captivity and of the fact of having been forced to take part in combat against her will. More specifically, she claims persisting pain in her [REDACTED] because of the bullet she received during a fight between the LRA and the army, as well as psychological suffering due to the inhumane and cruel events she was forced to witness.

265. Some of the incidents related by Applicant a/0115/07 (in particular, the initial abduction) allegedly took place in Uganda and appear therefore to be included in the Situation *ratione loci*<sup>45</sup>.
266. The Applicant's narrative provides detailed information as to the various movements of the group she was attached to, and also as regards the military training she received. Moreover, it seems to mirror a pattern to a large extent shared by people having been abducted in Northern Uganda in the year 2003, including other applicants<sup>46</sup> as well as victims in the context of the Situation<sup>47</sup>. Accordingly, in spite of the lack of specific sources reporting abductions having occurred at the time and place alleged by the Applicant, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0115/07 appear to be supported by sufficient information.
267. The psychological injuries alleged by Applicant a/0115/07 might reasonably be the result of being abducted, kept in captivity for a significant time and being forced to participate in armed fighting. Accordingly, they appear to constitute physical and emotional harm within the meaning of rule 85 of the Rules. As regards the persisting pain suffered as a result of the bullet received while fighting, the fact that it occurred in [REDACTED] makes it *prima facie* irrelevant for the purposes of such rule.
268. In light of the above, and within the indicated limits, Applicant a/0115/07 is granted the status of victim in the context of the Situation.

#### **Application a/0117/07**

269. Application a/0117/07 is submitted by a [REDACTED]-year-old boy of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the

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<sup>45</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>46</sup> In particular, [REDACTED].

<sup>47</sup> [REDACTED]

Single Judge is satisfied that the existence and the identity of Applicant a/0117/07 as a natural person are duly established.

270. Applicant a/0117/07 states that, during [REDACTED] 2003, he was abducted from [REDACTED] Village, in [REDACTED] Sub-County, together with his [REDACTED], at whose place he was staying. He alleges that the abduction was carried out by the LRA rebels under the command “of a guy named [REDACTED]”. Following the abduction, they were led away in several locations. Being tied, he did not manage to flee together with his [REDACTED] and was subjected to “indoctrination” and to military training by the rebels, who used him and other as shield against bullets during attacks. He alleges having been forced to beat people and to rape [REDACTED] women who had been captured. On [REDACTED] 2003, a fight with the Ugandan Army offered him the chance to remain unnoticed one night in the bush, to escape from captivity and eventually go home, where he discovered that his possessions, including cattle, had been looted. [REDACTED] at the time of the abduction, he states not having [REDACTED].

271. Applicant a/0117/07 claims the facts of having been compelled to do things against his will and [REDACTED] as harm suffered, as well as the loss of his domestic possessions. The Single Judge is of the view that, while the latter element qualifies as economic loss within the meaning of rule 85, the above mentioned facts can also result in emotional harm relevant for the purposes of the same rule.

272. The Applicant’s narrative provides a significant number of detailed information as to the various movements of the group he was attached to, and also as regards the military training he received. Moreover, it seems to mirror a pattern to a large extent shared by people having been abducted in Northern Uganda in the year 2003, including other applicants<sup>48</sup> as well as victims in the context of the Situation<sup>49</sup>. Accordingly, in spite of the lack of specific sources

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<sup>48</sup> In particular, [REDACTED].

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

reporting abductions having occurred at the time and place alleged by Applicant a/0117/07, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0117/07 appear to be supported by sufficient information.

273. In light of the above, Applicant a/0117/07 is granted the status of victim in the context of the Situation.

#### **Application a/0118/07**

274. Application a/0118/07 is submitted by [REDACTED]-year-old woman of Ugandan nationality and is supported by a piece of identity consisting of [REDACTED]. In accordance with the principles set forth in the First Decision on Victims' Applications for Participation, as amended by the Second Decision, the Single Judge is satisfied that the existence and the identity of Applicant a/0118/07 as a natural person are duly established.

275. Applicant a/0118/07 alleges having been abducted from [REDACTED], [REDACTED], [REDACTED] Sub-County, by [REDACTED] on [REDACTED] 2003 and having kept in captivity for [REDACTED] years. She was abducted together with [REDACTED] of hers, with whom she was sleeping at her grandmother's place, while her grandmother was killed on the spot. One of the abductees was killed upon refusing to carry the heavy loads imposed on them. They moved to several places, including [REDACTED] and [REDACTED] district, before returning to the [REDACTED], and in particular [REDACTED] Sub-County, after having been subjected to military training. She states having been forced to kill a man in [REDACTED] of [REDACTED], as well as to loot. She claims that the fact of attacking [REDACTED] caused "psychological torture" to her. She states that she, as well as the other women abductees were subjected to rape and to being given to commanders as their wives, which resulted in her becoming pregnant. She managed to escape during one of the attacks, around [REDACTED] 2006.

276. As harm suffered, Applicant a/0118/07 mentions the fact of having been raped and forcibly made pregnant, tortured and forced to kill, as well as psychological torture as a consequence of the events she was a victim and witness to as well as the loss of her grandmother and one of her [REDACTED]. Furthermore, she laments persistent stigmatization by the community because of her pregnancy.
277. The Applicant's narrative provides a significant number of detailed information as to the various movements of the group she was attached to, and also as regards the military training she received. Moreover, it seems to mirror a pattern to a large extent shared by people having been abducted in Northern Uganda in the year 2003, including other applicants<sup>50</sup> as well as victims in the context of the Situation<sup>51</sup>. Furthermore, evidence of attacks by the LRA on villages in the [REDACTED] Sub-County around the end of [REDACTED] 2003 and of raids in [REDACTED] District in [REDACTED] 2003 is provided by media reports<sup>52</sup>. Accordingly, in spite of the lack of specific sources reporting abductions having occurred at the time and place alleged by the Applicant a/0118/07, the Single Judge considers that, for the purposes of the present decision, the facts alleged by Applicant a/0118/07 appear to be supported by sufficient information.
278. In light of the above, Applicant a/0118/07 is granted the status of victim in the context of the Situation.

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

279. As held in both the First and the Second Decision on Victims' Participation, it is the view of the Single Judge that, albeit not compulsory, the appointment at this stage of a legal representative for the victims allowed to participate either in the Case or in the Situation, or in both, is appropriate<sup>53</sup>. In its First and Second Reports, the Registry submitted a series of criteria which in its view should

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<sup>50</sup> In particular, [REDACTED].

<sup>51</sup> [REDACTED].

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

<sup>53</sup> See paragraph 162 of the First Decision and paragraph 192 of the Second Decision.



govern the selection and appointment of a number of common legal representatives.

280. The Single Judge recalls that the 15 February 2008 Decision appointed members of the OPCV as legal representatives of victims admitted by the First Decision on Victims' Participation in the Proceedings<sup>54</sup>, based upon *inter alia* "the limitations of the legal aid budget for 2008 and the current status of the proceedings".
281. As regards applicants granted the status of victim in the context of the Situation, the Single Judge notes that their statements present numerous similarities, both among themselves and in respect of the victims admitted at an earlier stage in the present proceedings, as regards the type of crimes involved. Accordingly, also with a view to preserving the efficiency of the proceedings, it appears appropriate that all victims in the context of the Situation be represented jointly by a member of the OPCV.
282. As regards applicants granted the status of victims of the Case, in light of the similarity of their experiences and statements, the Single Judge is of the view that they also should be jointly represented by one common legal representative. Due to the budget constraints highlighted by the Registry, this representative should also be a member from the OPCV.
283. The Single Judge requests the OPCV to submit a report assessing the feasibility of the arrangements proposed for legal representation.
284. With regard to Applicant a/0108/07, granted the status of victim of both the Case and the Situation, the Registrar should seek his views as to whether he wishes to 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.
285. As regards Applicants a/0014/07, a/0017/07, a/0018/07, a/0079/07, a/0088/07, a/0104/07 and a/0113/07, for whom a decision has been deferred due to

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<sup>54</sup> In particular, Ms Paolina Massidda, Principal Counsel in the OPCV, was appointed legal representative of Victims a/0101/06 and a/0119/06; Ms Adesola Adeboyejo, Counsel in the OPCV, was appointed legal representative of Victims a/0090/06, a/0098/06, a/0112/06, a/0118/06 and a/0122/06.

deficiencies affecting the required identification documents, VPRS is instructed to contact them and make them aware of the need to submit proper identification documents.

### **The role of the OPCV**

286. Without prejudice to the foregoing, and consistently with the First and the Second Decision of Victims' Participation<sup>55</sup>, it remains the view of the Single Judge that, until the moment when a legal representative is appointed, the task of the OPCV is to provide Applicants, whether granted or not the status of victim under rule 85(a) either in the context of the Situation or in the Case, with any form of support and assistance which may be appropriate within the limits of its mandate, where necessary upon consultation with the VPRS and the Victims and Witnesses Unit, and in particular to inform them of their rights and prerogatives.

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

**DECIDE** that Applicants a/0080/07, a/0083/07, a/0086/07, a/0087/07, a/0089/07, a/0110/07 and a/0111/07 cannot be granted the status of victim of the Case;

**DECIDE** that Applicants a/0015/07, a/0016/07, a/0019/07, a/0020/07, a/0081/07, a/0084/07, a/0097/06, a/0109/07, a/0110/07, a/0114/07, a/0116/07, a/0119/07, a/0120/07, a/0121/07, a/0122/07, a/0123/07, a/0124/07 and a/0125/07 cannot be granted the status of victim in the context of the Situation;

**DECIDE** that Applicants a/0076/07, a/0077/07, a/0078/07, a/0081/07, a/0082/07, a/0084/07, a/0085/07, a/0090/07, a/0091/07, a/0092/07, a/0093/07, a/0094/07, a/0095/07, a/0096/07, a/0097/07, a/0098/07, a/0099/07, a/0100/07, a/0101/07, a/0102/07,

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<sup>55</sup> See paragraph 164 of the First Decision and paragraph 194 of the Second Decision on Victims' Participation in the Proceedings.

a/0103/07, a/0105/07, a/0106/07, a/0107/07, a/0108/07, a/0112/07 and a/0123/07 be granted the status of victim of the Case;

**DECIDE** that Applicants a/0108/07, a/0115/07, a/0117/07 a/0118/07 be granted the status of victim in the context of the Situation;

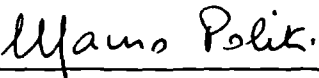
**REQUEST** the Registrar to seek the views of Applicant a/0108/07 as regards by which legal representative he should be represented;

**DEFER** the decision on Applications a/0014/07, a/0017/07, a/0018/07, a/0079/07, a/0088/07, a/0104/07 and a/0113/07 until adequate identification documents are submitted or clarified;

**REQUEST** the OPCV to submit, no later than 28 November 2008, a report on the feasibility of the arrangement for legal representation set forth in paragraphs 281-282 of the present decision;

**REQUEST** the OPCV to provide Applicants, whether granted or not the status of victim, with any form of support and assistance which may be appropriate within the limits of its mandate, where necessary upon consultation with the VPRS and the Victims and Witnesses Unit, and in particular to inform them of their rights and prerogatives pursuant to paragraph 286 of the present decision.

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

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

Dated this Friday, 21 November 2008

At The Hague, The Netherlands.