

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/04  
Date: 20 April 2012

**PRE-TRIAL CHAMBER II**

Before: Judge Hans-Peter Kaul, Single Judge

**SITUATION IN UGANDA**

**Public Document**

**Report on certain documents previously accepted by the Chamber as proof of  
identity of applicants to participate in the proceedings**

Source: Registry

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

*Court to:*

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(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

**Counsel Support Section**

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms Fiona McKay

**Other**

**The Registrar of the International Criminal Court (“the Court”);**

NOTING the Pre-Trial Chamber II’s (the “Chamber”) decision dated 22 November 2006 designating a Single Judge responsible for all the issues arising in connection with victims’ participation in the proceedings in respect to 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”);<sup>1</sup>

NOTING the Victims Participation and Reparations Section’s (the “VPRS”) report of 12 October 2007 on identity documents available in the Ugandan legal and administrative system and other supporting documentation for applications for participation in proceedings in Uganda and its addendum of 15 February 2008, both transmitted to the Chamber as internal memoranda<sup>2</sup> and filed in the record of the Situation<sup>3</sup> and in the record of the Case<sup>4</sup> (the “VPRS report of 2007”);

NOTING the Single Judge's decision on victims' applications for participation of 14 March 2008 filed in the record of the Situation<sup>5</sup> and in the record of the Case<sup>6</sup> (the "Decision of 14 March 2008") in which, *inter alia*, the Single Judge held that the requirements previously set out with respect to identification documents of people in Uganda “must be lowered and adapted to the factual circumstances in the region” and listed the identity documents accepted as proof of identity of the applicants;<sup>7</sup>

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

<sup>2</sup> VPRS/A/2007/032/ggr and VPRS-A-2008-012-ig.

<sup>3</sup> ICC-02/04-125-Anx.

<sup>4</sup> ICC-02/04-01/05-282-Anx.

<sup>5</sup> ICC-02/04-125.

<sup>6</sup> ICC-02/04-01/05-282.

<sup>7</sup> ICC-02/04-125, para. 6: “Consequently, the Single Judge endorses the recommendation of the VPRS that “alternative means be devised for proving identity”, and will accept, as proof of identity of the applicants, any of the following documents: (i) Passport, (ii) voter card, (iii) certificate of registration issued by the Electoral Commission, (iv) driving permits, (v) graduated tax ticket, (vi) “short” birth certificate or “long” birth certificate, (vii) birth notification card, (viii) certificate of amnesty, (ix) resident permit or card issued by a Local Council, (x) identification letter issued by a Local Council, (xi) letter issued by a leader of an IDP Camp, (xii) “Reunion letter” issued by the Resident District Commissioner, (xiii) identity card issued by a workplace or an educational establishment, (xiv) camp registration card and card issued by humanitarian relief agencies, such as the United Nations High

**NOTING** the Chamber's Decision of 10 March 2009 filed in the record of the Situation<sup>8</sup> and in the record of the Case<sup>9</sup> in which the Prosecutor and the Defence were granted a time limit to submit their observations on 13 victims' applications to participate in the proceedings (the "concerned applications");

**NOTING** the Prosecutor's<sup>10</sup> and Defence's<sup>11</sup> observations on the concerned applications submitted on 30 March 2009;

**NOTING** the Chamber's decision of 23 March 2009 designating Judge Hans-Peter Kaul as Single Judge responsible for all victims' issues in relation to the Situation and the Case;<sup>12</sup>

**NOTING** the Single Judge's decision of 9 March 2012 on victims' participation in proceedings related to the situation (the "Decision of 9 March 2012")<sup>13</sup> in which the Single Judge indicated that he "is not fully satisfied with the proof of identity provided by most of the victim applicants. Indeed, most of them provide a letter from an unknown author confirming the crime and harm suffered by the applicant. This information is, in the view of the Single Judge, not sufficient." Consequently, the VPRS was instructed to review the applications and to provide additional information as to the authorship of the letters appended to the concerned applications;<sup>14</sup>

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Commissioner for Refugees and the World Food Programme, (xv) baptism card, (xvi) letter issued by a Rehabilitation Centre."

<sup>8</sup> ICC-02/04-180.

<sup>9</sup> ICC-02/04-01/05-375.

<sup>10</sup> ICC-02/04-187 and ICC-02/04-01/05-388-Conf.

<sup>11</sup> ICC-02/04-188 and ICC-02/04-01/05-392.

<sup>12</sup> ICC-02/04-184.

<sup>13</sup> ICC-02/04-191.

<sup>14</sup> ICC-02/04-191, paras 35-37.

**PRESENTS** to the Chamber the following report:

1. The Registry has reviewed the concerned applications and notes that: eight applicants have submitted letters provided by Chairpersons of Local Councils (“L.C. letters”); one applicant has submitted an L.C. letter, an employment card and a voter card; one applicant has appended an amnesty certificate to his application form; two applicants have submitted letters issued by rehabilitation centres; and one application on behalf of an organization is supported by a report on the organization’s activities, a letter signed by an official and a voter card of the person acting on behalf of the organization. The Registry notes that all of these identity documents have been accepted in the Decision of 14 March 2008, as recalled in the Decision of 9 March 2012.<sup>15</sup>

2. In the present report the Registry will focus only on the letters mentioned by the Single Judge in the Decision of 9 March 2012,<sup>16</sup> namely L.C. letters and letters issued by rehabilitation centres, and will not address the authorship of voter cards, employment cards and amnesty certificates, since the instructions given by the Single Judge in paragraph 37 of the Decision of 9 March 2012 refer only to the letters provided by an unknown author.

#### L.C. letters

3. In the VPRS report of 2007, which was based on interviews conducted by the VPRS with representatives of local authorities including the electoral and amnesty commissions, Ugandan lawyers and researchers, and also with international actors, such as the United Nations Children’s Fund and the United Nations Office of High Commissioner for Human Rights, it had been brought to the Chamber’s attention that “there are no official identity cards issued by the Government of Uganda”<sup>17</sup> and

<sup>15</sup> ICC-02/04-191, para. 35.

<sup>16</sup> ICC-02/04-191, paras 35.

<sup>17</sup> ICC-02/04-125-Anx, para. 7.

that Ugandans “commonly rely on non-official documents such as [...] letters from local authorities or cards issued by humanitarian relief agencies.”<sup>18</sup> The report thoroughly explained how these documents are issued and by whom and what information they contain.

4. With respect to the documents issued by local authorities, the VPRS report of 2007 explains the administrative organization in Uganda and the different documents issued by different local authorities, with a focus on L.C. letters: Local Councils “have adopted the practice of issuing simple A4 paper identification letters to residents in their area upon request”.<sup>19</sup> The VPRS report of 2007 emphasizes the fact that “letters issued by the local councils remain one of the most widely used forms of identification by rural people, and many informants told the VPRS that this was the most common form of documentation used to prove identity.”<sup>20</sup> Insofar as the content of such letters is concerned, it is true that the information contained in this letter varies - as sometimes they merely state that the applicants are residents of a certain district whilst in other cases they provide a description of the alleged events and harm suffered - as mentioned in the VPRS report of 2007, the documents are issued upon request and they “might also be tailored to the specific purpose for which they had been requested, such as to confirm particular information or request the recipient to assist the person in a particular way”.<sup>21</sup> A sample L.C. letter was appended to the VPRS report of 2007.

5. The Registry is of the view that all the L.C. letters supporting the concerned applications match the description in the VPRS report of 2007. As mentioned in this report, the L.C. letters are simple A4 letters; nevertheless they are all properly stamped, and with an indication that they are signed by the Chairperson of the Local Council.

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<sup>18</sup> ICC-02/04-125-Anx, para. 9.

<sup>19</sup> ICC-02/04-125-Anx, para. 42.

<sup>20</sup> ICC-02/04-125-Anx, para. 49.

<sup>21</sup> ICC-02/04-125-Anx, para. 46.

### Letters from rehabilitation centres

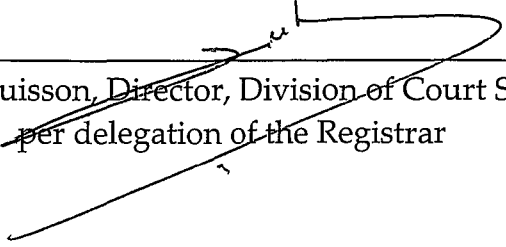
6. The VPRS report of 2007 contains two samples of letters issued by rehabilitation centres, one of which is the exact same letter supporting one of the concerned applications. Moreover, both letters are properly stamped and the issuing institution is clearly stated. The Registry is therefore of the view that the letters issued by rehabilitation centres supporting the concerned applications could be accepted to prove the applicant's identities as such.

### Final remarks

7. The Registry would like to bring to the Chamber's attention the fact that to date it has received 1,540 applications for participation and/or reparations and the vast majority of these application forms are supported by L.C. letters. Furthermore, according to updated information provided by the VPRS's field staff, the L.C. letters continue to be the most available means of identification for Ugandans. Moreover, letters from rehabilitation centres are very common because these centres operated as receiving points for returnees.

8. Since the 14 March 2008 Decision, the VPRS has operated on the understanding that all the documents mentioned above are accepted as proof of identity. If there is to be a change in this practice, and the VPRS needs to request the applicants to produce alternative documents, it would need to be in a position to explain what is required to intermediaries and victim applicants. Therefore, should the Chamber consider that the documents supporting the concerned applications, and in particular the L.C. letters and the letters issued by rehabilitation centres, are not sufficient to prove the applicants' identities, the VPRS respectfully requests the Chamber to provide clarification as to what additional information would satisfy the Chamber as to validity of these documents.

9. The VPRS is making this request at the present time in view of missions planned during the coming weeks focussed on collecting missing proof of identity and other supplementary documentation in accordance with the Decision of 9 March 2012.



Marc Dubuisson, Director, Division of Court Services  
per delegation of the Registrar

Dated this 20 April 2012

At The Hague, The Netherlands