

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/15

Date: 20 July 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

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

Public

**Defence Response to the Prosecution's Request for Unredacted Victim
Applications from Case No. ICC-02/04-01/05**

Source: Defence for Dominic Ongwen

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

Benjamin Gumpert, QC

Counsel for the Defence

Krispus Ayena Odongo

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for the Victims

The Office of Public Counsel for the Defence

Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby responds to the Office of the Prosecutor's ('Prosecution') request for unredacted copies of the Victim Applications in Case Number ICC-02/04-01/05. The Defence considers the request of the Prosecution to be a fishing expedition. His Honour, Judge Cuno Tarfusser ('Single Judge') should deny the request as written. It is the opinion of the Defence that the Prosecution should only receive unredacted copies of victim applications once it justifies in writing to VPRS and the Single Judge of the specific reason why the unredacted copies are sought.

II. PROCEDURAL HISTORY

2. On 10 June 2015, the Prosecution filed a request with the Single Judge to receive unredacted copies of all the victim application is case number ICC-02/04-01/05 ('Request').¹

III. SUBMISSIONS

3. The Defence believes the Request by the Prosecution is nothing more than a fishing expedition against Mr Ongwen. It fails to show how having unredacted copies of all the applications from ICC-02/04-01/05 is warranted. Mr Ongwen is suspected of crimes at Lukodi IDP Camp, not at any of the other locations.
4. The Defence asserts that the Prosecution should be made to demonstrate why each victim application sought from a companion case is necessary. The Defence cannot think of a compelling reason why unredacted copies of all applications are sought. Since the Prosecution already has redacted copies of the applications, it

¹ ICC-02/04-01/15-263.

would not be too hard or take too much time to process and write cogent reasons for the sought applications.

5. If the Single Judge grants the Request, the Defence requests to be supplied with copies of the victim applications in redacted form.²

IV. RELIEF

6. The Defence request the Single Judge to reject the Request by the Prosecution. The Prosecution should be required to demonstrate why each unredacted victim application is sought from a companion case. If the Single Judge grants the Request, the Defence requests to be supplied with the redacted applications.

Respectfully submitted,



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Hon. Krispus Ayena Odongo

On behalf of Dominic Ongwen

Dated this 20th day of July, 2015

At Kampala, Uganda

² By “redacted form”, the Defence means that only identifying information of the applicant is redacted.