



Original: English

No.: ICC-02/04-01/15
Date: 11 November 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

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

**Public
With public annex**

Order concerning the modalities for the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Benjamin Gumpert

Counsel for the Defence

Krispus Ayena Odongo

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Cuno Tarfusser, Single Judge exercising the functions of the Chamber in the present case, issues this order with a view to regulating the handling of confidential information during the investigations and contacts between a party or participant and witnesses of the opposing party or of a participant.

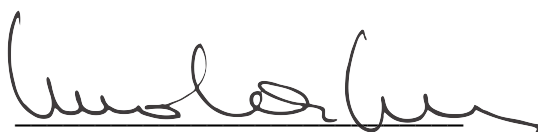
1. Under article 68(1) of the Rome Statute (“Statute”), the Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. At the same time, the Single Judge notes the fundamental rights of the suspect/accused to prepare his or her defence, as well as article 54 of the Statute regulating the Prosecutor’s duties and powers with respect to investigations. In this context, it is necessary to strike an appropriate balance between the different interests at stake and identify the best modalities for the protection of the safety of witnesses, victims and other individuals at risk, as well as the integrity of investigations, in a manner consistent with the rights of the suspect/accused and with the Prosecutor’s duties and powers under the Statute.

2. The Single Judge notes that to date, different Chambers at the Court have adopted varying versions of a protocol regulating the matter of the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant. In the present case, the parties and participants shall comply with the modalities regulated in the protocol attached to this order, which aims to unify prior approaches and is apt for adoption in different cases and at different stages of proceedings before the Court.

FOR THESE REASONS, THE SINGLE JUDGE

ORDERS the parties and participants to comply with the modalities for the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant, as set out in the protocol attached to the present decision.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', is written over a horizontal line.

Judge Cuno Tarfusser
Single Judge

Dated this 11 November 2015

At The Hague, The Netherlands