



Original: English

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

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

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

Public

**Prosecution's observations on 663 victims' applications for participation,
transmitted by the Registry on 18 November 2015**

Source: The Office of the Prosecutor

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Benjamin Gumpert

Counsel for Dominic Ongwen

Mr Krispus Ayena Odongo

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox

Legal Representatives of 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**

Amicus Curiae

States Representatives

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Introduction

1. The Office of the Prosecutor (“the Prosecution”) in accordance with rule 89(1) of the Rules of Procedure and Evidence (“Rules”) and the “Decision of the Single Judge concerning the procedure for admission of victims to participate in the proceedings in the present case”¹ (“the Decision”) submits observations on 663 victims’ applications for participation, transmitted by the Registry to the Parties and the Chamber on 18 November 2015.

Procedural Background

2. The Single Judge on 3 September 2015 issued the Decision, setting out the procedure for admission of victims to participate in the proceedings of the case and instructing the Registry to transmit to the Chamber and the Parties complete victims’ applications falling within the scope of the case against Dominic Ongwen until 7 December 2015.
3. The Registry has to date transmitted 2048 applications in four separate filings. The Parties have already provided observations on 209 victims’ applications transmitted on 18 September 2015 and on 336 victims’ applications transmitted on 26 October 2015.
4. On 18 November 2015 the Registry transmitted further 663 applications which are the subject of this filing.² On 25 November 2015 the Single Judge extended the deadline for filing observations to these applications until 18 December 2015.³

¹ ICC-02/04-01/15-299.

² ICC-02/04-01/15-344.

³ ICC-02/04-01/15-347.

5. On 27 November 2015 the Single Judge issued the “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights”.⁴
6. On 8 December 2015 the Registry transmitted the final 840 victims’ applications.⁵ The Parties have until 23 December 2015 to file their observations.

Analysis of the applications for participation

7. The Prosecution in its analysis of the applications continues to follow the approach outlined in its filings of 2 October 2015,⁶ and 9 November 2015.⁷
8. In the Prosecution’s assessment all 663 applicants, included in the transmission of 18 November 2015, meet the criteria for participation as victims in the pre-trial proceedings of this case.

Dual status of applicant a/3074/10

9. Applicant a/3074/10 is the same person as Prosecution Witness P-0006. The statement of the witness was disclosed to the Defence in August 2015 with no redactions applied to the identity of P-0006 or to the content of her statement. The Prosecution proposes that the redactions to the application of the above applicant should therefore be revisited and, subject to the authorisation of the Single Judge, un-redacted or lesser redacted version be transferred by the Registry to the Defence.

⁴ ICC-02/04-01/15-350.

⁵ ICC-02/04-01/15-365.

⁶ ICC-02/04-01/15-309, paras. 7-20.

⁷ ICC-02/04-01/15-337, para. 6.

Conclusion

10. The Prosecution submits that the 663 applicants, whose applications were transferred by the Registry on 18 November 2015, meet the requirements for admission as victim-participants in the pre-trial proceedings in this case.



Fatou Bensouda,
Prosecutor

Dated this 15th day of December 2015
At The Hague, The Netherlands