

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 23 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

Defence's Observations on 840 Victims' Applications for Participation

Source: Defence for Dominic Ongwen

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

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Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

(Participation/Reparation)

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Detention Section

Victims Participation and Reparations Section

Fiona McKay

Other

I. INTRODUCTION

1. The Defence for Mr. Ongwen ('Defence') hereby submits its objection to three (3) applications for participation in accordance with Rule 89(1) of the Rules of Procedure and Evidence ("Rules").

II. PROCEDURAL HISTORY

2. On 3 September 2015, the Single Judge instructed the Registry to transmit applications of alleged victims. On 18 September 2015, the Registry transmitted 209 applications ("First Report").¹ An additional 336 applications were transmitted on 26 October 2015 ("Second Report").² The Defence and the Prosecutor (together, "Parties") provided its observations on the First Report and Second Report.³
3. On 18 November 2015, the Registry transmitted its "Third Report on the Applications to Participate in the Proceedings" to the Chamber and the Parties.⁴ On 18 and 19 November 2015, the Registry transmitted its "Third Report on the Applications to Participate in the Proceedings" ("Third Report") to the Chamber and the Parties.⁵ On 25 November 2015, the Single Judge granted the Defence request, extending the time-limit for observations on the applications transmitted in the Third Report to 18 December 2015.⁶ The parties provided their observations on 15 and 18 December 2015, respectively.⁷

¹ ICC-02/04-01/15-303.

² ICC-02/04-01-15-327. The annexes containing the applications were transmitted on 27 October 2015.

³ See ICC-02/04-01/15-312-Conf; ICC-02/04-01/15-309; ICC-02/04-01/15-340; ICC-02/04-01/15-337. On 27 November 2015, the Single Judge issued a decision, in which he, *inter alia*, admitted the applicants contested by the Defence and Prosecution (ICC-02/04-01/15).

⁴ ICC-02/04-01/15-344.

⁵ ICC-02/04-01/15-344.

⁶ ICC-02/04-01/15-347.

⁷ ICC-02/04-01/15-370 and ICC-02/04-01/15-372.

4. On 7 December 2015, the Registry transmitted a further 840 applications to participate in the proceedings (“Fourth Report”).⁸

III. SUBMISSIONS

5. The defence first challenges application a/06408/15 which refers to death of a family member and corresponding harm without attaching the necessary supporting documentation to demonstrate the relevant relationship.
6. Second, the Defence challenges application a/06762/15 which refers to the alleged death of a family member and corresponding harm. In this instance, the supporting documentation does not indicate that the applicant’s brother is deceased.
7. Third, applicant a/06624/15 refers to being injured as a result of a “UPDF Soldiers shot bomb” and is therefore also objected to.⁹
8. Although the Defence has not challenged whether the *prima facie* requirements to be included as a victim-participant have been met in relation to the remaining applications, the Defence reserves the right to challenge these applicant’s should new information arise. The Defence further notes in this regard that it has also not engaged in an assessment of the particulars set forth in the table transmitted in the Fourth Report.

⁸ ICC-02/04-01/15-365.

⁹ The Defence, however, notes that applicant attributes responsibility to the LRA despite clearly referring to injuries sustained as a result of the UPDF.

IV. CONCLUSION

9. The Defence submits that the following applications do not meet the requirements for admission as a victim-participant: a/06408/15, a/06762/15, and a/06624/15.

Respectfully submitted,



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Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 23rd day of December 2015

At Gulu, Uganda