

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 October 2016

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Single Judge
Judge Péter Kovács
Judge Raul C. Pangalangan

SITUATION IN UGANDA

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

**PUBLIC
with Confidential Annexes A and B**

Defence Submissions on Proposed Redactions to the Article 56 Transcripts

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
James Stewart, Deputy Prosecutor
Benjamin Gumpert, QC

Counsel for the Defence

Krispus Ayena Odongo
Chief Charles Achaleke Taku

Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox

Common Legal Representative for Victims

Paolina Massidda
Jane Adong

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

Paolina Massidda
Caroline Walter

States' Representatives

The Office of Public Counsel for the Defence

Xavier-Jean Keita

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby submits observations on proposed redactions to the Article 56 transcripts as requested by the Prosecution.¹

II. CONFIDENTIALITY

2. Pursuant to Regulation 23 *bis*(2) of the Regulations of the Court, the Defence files Annexes A and B as confidential.

III. SUBMISSIONS

a) Annexes for which the Defence has no objections to the proposed redactions

3. The Defence has no objections to the Prosecution's proposed redactions in Annexes 1, 2, 4, 5, 8, 9 and 10 of ICC-02/04-01/15-567-Conf.

b) Annexes for which the Defence proposes further or fewer redactions

4. Attached as Confidential Annex A is the Defence's proposed redactions for transcript ICC-02/04-01/15-T-18-Conf-ENG. The Defence avers that the Prosecution's proposed redactions for this transcript are highly overbroad,² and the main filing contains no justification whatsoever for the breadth of the redactions.³ The Defence's proposed redactions follow the same patterns as the Prosecution's proposed redactions in the other Article 56 transcripts, and are highlighted in yellow.
5. For the remaining annexes (3, 6, 7 and 12), the Defence attaches Confidential Annex B, which gives the location of further proposed/removed redactions and reasons for the proposal.

¹ ICC-02/04-01/15-567-Conf-Anx1-12

² ICC-02/04-01/15-567-Conf-Anx11.

³ See ICC-02/04-01/15-547.

IV. REQUEST

6. The Defence respectfully requests Trial Chamber IX:

- a. To accept and apply the redactions requested by the Prosecution for Annexes 1, 2, 4, 5, 8, 9 and 10 of ICC-02/04-01/15-567-Conf;
- b. In addition to the redactions requested by the Prosecution, accept and apply the additional redactions requested by the Defence in Annexes 3 and 7 of ICC-02/04-01/15-567-Conf, as written in Confidential Annex B;⁴
- c. To accept and apply the redactions requested by the Prosecution for Annexes 6 and 12 of ICC-02/04-01/15-567-Conf, with the exception of the locations specified by the Defence in Confidential Annex B;⁵ and
- d. To reject the Prosecution's proposed redactions in ICC-02/04-01/15-567-Conf-Anx11,⁶ and to accept and apply the redactions submitted by the Defence in Confidential Annex A.

⁴ See Confidential Annex B, Table 1.

⁵ See Confidential Annex B, Table 2.

⁶ ICC-02/04-01/15-T-18-Conf-ENG.

Respectfully submitted,



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Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 20th day of October, 2016

At The Hague, Netherlands