

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **3 January 2017**

TRIAL CHAMBER IX

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

SITUATION IN UGANDA

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

PUBLIC

Public Redacted Version of “Defence Response to the Prosecution’s Second Request for Protective Measures”, filed on 3 January 2017

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
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Legal Representatives of the Victims

Joseph Akwenyu Manoba
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Unrepresented Victims

**Unrepresented
(Participation/Reparation)**

Applicants

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**Victims Participation and Reparations Other
Section**

I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby responds to the "Prosecution's second application for in-court protective measures" ('Request').¹ The Defence does not object to the Request, insofar that it is limited to facial distortions, pseudonyms and limited recourse to *private* sessions.

II. BACKGROUND

2. On 19 December 2016, representatives of the Government of the Republic of Uganda wrote the Prosecution requesting protective measures for P-0003 ([REDACTED]), P-0059 ([REDACTED]) and P-0339 ([REDACTED]) (collectively 'Witnesses').²
3. On 20 December 2016, the Prosecution submitted the Request.³

III. CONFIDENTIALITY

4. Pursuant to Regulation 23 *bis*(2) of the Regulations of the Court and Regulation 24 of the Regulations of the Registry, this request is submitted confidential as it responds to a filing of the same classification. A public redacted version shall be filed concurrently.

IV. SUBMISSIONS

5. Owing to the unique nature of the Request, the Defence does not object to facial distortions, pseudonym use and limited recourse to *private* sessions during the testimony of the Witnesses.
6. The Defence notes that the Prosecution requests "to elicit their identifying information and information related to their current employment" during closed sessions.⁴ The Defence's only objection is that closed sessions do not appear necessary, and that the

¹ ICC-02/04-01/15-642-Conf with Confidential Annexes A and B.

² ICC-02/04-01/15-642-Conf-AnxA and ICC-02/04-01/15-642-Conf-AnxB.

³ See Request.

⁴ Request, para. 18; *see also* para. 21.

Witnesses' identifying information and current employment can be elicited during a private session.

7. The Defence stresses that these submissions are based on the Prosecution's assurances that it only intends to seek closed sessions for questions regarding identifying information and current employment, and that the vast majority of the Witnesses' testimony, especially testimony pertaining to their operations pre-2006, shall be public.⁵

V. CONCLUSION

8. The Defence does not object to the Prosecution's Request, noting however that private sessions, rather than closed session, should be used when eliciting identifying information and current employment.

Respectfully submitted,



.....
Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 3rd day of January, 2017
At Kampala, Uganda

⁵ *Ibid.*