

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **9 June 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

**with Confidential, *EX PARTE*, Prosecution, VWS, Legal Representatives of Victims
and OPCV only Annex A**

Prosecution's request to disclose lesser redacted versions of 43 victims' applications

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

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

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States Representatives

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Counsel Support Section

Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

1. In accordance with rule 77 of the Rules of Procedure and Evidence, the Office of the Prosecutor (“Prosecution”) requests authorisation to disclose to the Defence with lesser redactions 43 victim applications related to the family members of the Prosecution’s trial witnesses.

2. Following its recent review, the Prosecution has identified 47 victim applications submitted by family members of Prosecution’s trial witnesses that, in its assessment, fall within the rule 77 disclosure obligation.

3. The Prosecution has already requested and obtained the Trial Chamber’s authorisation to disclose to the Defence four victim applications related to family members of witnesses P-0024, P-0009 and P-0280.¹ These applications were disclosed to the Defence on 1 June², 6 June³ and 8 June⁴ 2017 respectively. The current request seeks authorisation to disclose the remaining 43 victim applications (Annex A) with lesser redactions.

4. The Prosecution notes that of the 43 victim applications, one item relates to Witness P-0330 who has already testified. As a result of the disclosure of this application, if the Defence considers that it would have cross examined the witness in a materially different manner and if the Chamber authorises, the Prosecution will make necessary arrangements to recall the witness.

5. In accordance with the current regime on disclosure of victims’ identities in this case,⁵ the Defence is in possession of redacted versions of these victim applications, where the redactions extend to the identifying information of the

¹ Email from Trial Chamber IX of 1 June 2017 at 9:22, email from Trial Chamber IX of 6 June 2017 at 10:02 and email from Trial Chamber IX of 8 June 2017 at 14:31.

² Disclosure of P-0024’s family members’ applications were done by email sent on 1 June at 10:18.

³ Disclosure of P-0009’s family member’s application was done by email sent on 6 June at 10:08.

⁴ Disclosure of P-0280’s family member’s application was done by email sent on 8 June at 15:00.

⁵ ICC-02/04-01/15-205 and ICC-02/04-01/15-471.

victim participants. The Prosecution is in possession of unredacted victim applications.

6. The Prosecution requests the Trial Chamber's authorisation to disclose the 43 victim applications to the Defence with lesser redactions. The Prosecution proposes to lift redactions related to identifying information of victim participants and, mirroring the approach taken by the Trial Chamber with regard to applications of dual status witnesses,⁶ proposes to keep only the following information redacted:

- a. village/parish and identifying numbers appearing on the identity document;
- b. when a document attesting the kinship or identity is provided, village/parish where the document was compiled as well as names and functions of the persons making the statement; their signatures and stamps; and
- c. place where the application form was filled in if it refers to a specific place like hotel or guest house.

7. If the Trial Chamber grants this request, the Prosecution proposes to register the 43 applications and disclose them to the Defence *via* its official disclosure channel as soon as possible. Alternatively, the Prosecution will follow any other course of action directed by the Trial Chamber.

8. The Prosecution requests that the Chamber authorise the Prosecution to disclose to the Defence 43 victim applications listed in Annex A with lesser redactions.

⁶ The Chamber in its email of 23 January 2017 at 18:50 hours directed the Registry to file in the record of the case confidential redacted versions of the victim applications of dual status individuals applying three categories of redactions as stated in this paragraph.

Confidentiality

9. Annex A is filed as “confidential, *ex parte*, Prosecution, VWS, Legal Representatives of Victims and OPCV only” pursuant to regulation 23*bis* of the Regulations of the Court because it contains information classified as such in the case record.



Fatou Bensouda, Prosecutor

Dated this 9th day of June 2017
At The Hague, The Netherlands