

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **9 August 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 Request to vary
Protective Measures”, filed on 7 August 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
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
(Participation/Reparation)**

Applicants

The Office of Public Counsel for Victims

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States' Representatives

**The Office of Public Counsel for the
Defence**

Amicus Curiae

REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

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Detention Section

**Victims Participation and Reparations Other
Section**

I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby responds to "Prosecution's application for variation of protective measures for P-0189 and P-0245" ('Application').¹ The Defence does not challenge the outcome of the Application, but only the reasoning behind the Application *vis-à-vis* P-0245.

II. CONFIDENTIALITY

2. Pursuant to Regulation 23 *bis*(2) of the Regulations of the Court, the Defence submits this response as confidential. The Defence shall wait until after a decision is rendered before submitting a public redacted version.

III. SUBMISSIONS

A. P-0189

3. The Defence has no objections to the Application in regards to P-0189.² The Defence agrees that the change of circumstances allows for P-0189 to testify publicly without face distortion and the use of a pseudonym, and allowing limited private sessions for national security interests.

B. P-0245

4. The Defence does not object to the proposed revision of the current protective measures stated in paragraph 1(b) of the Application. The Defence only disputes the reasoning given by P-0245.
5. As of the date of this response, the Defence [REDACTED].³ [REDACTED].⁴
6. [REDACTED],⁵ but admittedly, inquiries into such information serves no purpose for the Defence investigations. [REDACTED]. The Defence views this reason with circumspect.

¹ ICC-02/04-01/15-928-Conf.

² Application, paras 3-7.

³ Application, para. 13.

⁴ [REDACTED].

⁵ Application, para. 13.

7. The only true reason to grant P-0245 protective measures is [REDACTED].
[REDACTED],⁶ [REDACTED].
8. Finally, the Defence argues that this protective measure should be lifted if
[REDACTED].

IV. RELIEF

9. The Defence does not oppose the changes requested in the Application. The Defence only opposes P-0245's story.

Respectfully submitted,



.....
Hon. Krispus Ayena Odongo

On behalf of Dominic Ongwen

Dated this 9th day of August, 2017

At Kampala, Uganda

⁶ See UGA-OTP-0276-3096-R01, p. 3097.