

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-02/04-01/15
Date: 15 January 2018

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

**Common Legal Representative Response to
“Prosecution’s second submission of proposed public redacted versions of
testimonies introduced under rule 68(2)(b) and (c) of the Rules of Procedure and
Evidence”**

Source: Office of Public Counsel for Victims

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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Mr Benjamin Gumpert

Counsel for the Defence

Mr Krispus Ayena Odongo
Mr Chief Charles Achaleke Taku

Legal Representatives of the Victims

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Ms Jane Adong
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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Ms Paolina Massidda
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**The Office of Public Counsel for the
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States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. PROCEDURAL BACKGROUND

1. On 28 December 2017, the Prosecution filed its second submission of proposed public redacted versions of testimonies introduced under rule 68(2)(b) and (c) of the Rules of Procedure and Evidence (the “Prosecution’s Submission”).¹

2. The Common Legal Representative hereby submits her response to the Prosecution’s Submission.

II. SUBMISSIONS

3. The Common Legal Representative² supports the Prosecution’s proposal for the public redacted testimonies of the 23 witnesses introduced under rules 68(2)(b) and (c) of the Rules of Procedure and Evidence (the “Rules”) as contained in Annexes 1 to 23 of the Prosecution’s Submission.

4. The Common Legal Representative shares the Prosecution’s approach to minimise the redactions necessary to protect the security and well-being of the individuals concerned or national security information.³

5. In particular, the Common Legal Representative notes the proposed redacted versions of the following dual status individuals represented by her: P-0001, P-0007, P-0008, P-0061, P-0268 and P-0325. She indicated that the proposed redacted versions

¹ See the “Prosecution’s second submission of proposed public redacted versions of testimonies introduced under rule 68(2)(b) and (c) of the Rules of Procedure and Evidence”, No. ICC-02/04-01/15-1123 and Confidential Annexes 1-23, 28 December 2017 (the “Prosecution’s Submission”).

² See the “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights” (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-350, 27 November 2015, p. 19; the “Decision on issues concerning victims’ participation” (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-369, 15 December 2015, pp. 10-11; the “Second decision on contested victims’ applications for participation and legal representation of victims” (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-384, 24 December 2015, pp. 20-22; and the “Decision on the ‘Request for a determination concerning legal aid’ submitted by the legal representatives of victims” (Trial Chamber IX, Single Judge), No. ICC-02/04-01/15-445, 26 May 2016, para. 13.

³ See the Prosecution’s Submission, *supra* note 1, paras. 9-13.

adequately protect the security, dignity and well-being of the persons concerned. Moreover, she indicates that the persons concerned have been met by the Prosecution and by the Common Legal Representative and they are aware of the extent of the redactions.

Respectfully submitted.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is written in a cursive style with a horizontal line underneath the name.

Paolina Massidda

Dated this 15th day of January 2018

At The Hague (The Netherlands)