

Cour
Pénale
Internationale



International
Criminal
Court

Original: English

No.: ICC-02/04-01/15
Date: 19 February 2019

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 Document

Urgent Request for assurances under Rule 74(3)(c), of the Rules of Procedure and
Evidence, read with Regulation 35(1) & (2) of the ICC

Source: Dr. Llewelyn Gray Curlewis, Legal Advisor to Witness D 26-P-0032

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms. Fatou Bensouda

Mr. Benjamin Gumpert

Counsel for the Defence

Mr. Krispus Ayena Odongo

Legal Representatives of the Victims

Mr. Joseph Akwenyu Manoba

Mr. Francisco Cox

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms. Paolina Massidda

Ms. Caroline Walter

Ms. Orchlon Narantsetseg

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

States' Representatives

Amicus Curiae

REGISTRY

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Mr. Esteban Peralta Losilla

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Victims and Witnesses Unit

Mr. Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Dr. Llewelyn Gray Curlewis

1. Defence witness D26 – P – 0032 request assurances under Rule 74 of the Rules of Procedure and Evidence (RPE). More in particular, this request is based on Rule 74(3)(c) of the RPE, where it reads:

“In case of other witnesses, the Chamber may require the witness to answer the question or questions, after assuring the witness that the evidence provided in response to the questions:

- (i) Will be kept confidential and will not be disclosed to the public or any State; and
 - (ii) Will not be used either directly or indirectly against that person in any subsequent prosecution by the Court, except under articles 70 and 71.”
2. As indicated in this Trial Chamber’s Notification of the Appointment of Dr. Llewelyn Gray Curlewis as Legal Advisor to Witness’, Doc no. ICC-02/04-01/15 – 18 January 2019, issues of self –incrimination may arise in the course of the testimony of this witness, and pursuant to Rule 74(10), the Chamber has appointed a legal advisor to this witness.
3. Due to the fact that this witness may raise issues of self-incrimination, we request that assurances be provided to him under Rule 74(3) RPE prior to commencing his testimony in court.
4. Therefore, and on the basis of Rule 74(9) RPE, we hereby request Your Chamber to provide the aforementioned assurances to Witness D26 – P – 0032 prior to the commencement of his testimony in court.



Dr. Llewelyn Gray Curlewis. Legal Advisor to Witness D26 – P – 0032

Dated this 19th day of February 2019, At Kampala Uganda, via video link with The Hague, The Netherlands.

At [place, country]