

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **5 March 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

**Public Redacted Version of “Defence Notification of Rule 68(2)(b) Statements and
Redaction Requests”, filed on 5 March 2019**

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

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James Stewart, Deputy Prosecutor
Benjamin Gumpert, QC

Counsel for the Defence

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Legal Representatives of the Victims

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby notifies Trial Chamber IX, Prosecution and Legal Representatives that it conducted a field mission in coordination with the Registry for the purpose of certifying the witness statements of UGA-D26-P-0008, UGA-D26-P-0012, UGA-D26-P-0050, UGA-D26-P-0077 and UGA-D26-P-0132. The witness statement certifications were conducted between 26-29 November 2018.
2. Pursuant to ICC-02/04-01/15-1294, page 14, the Defence hereby files proposed public redacted versions of the statements of UGA-D26-P-0008, UGA-D26-P-0012, UGA-D26-P-0050, UGA-D26-P-0077 and UGA-D26-P-0132.
3. The Defence incorporates by reference paragraphs 6-16 of ICC-02/04-01/15-1273-Conf-Corr.

II. CONFIDENTIALITY

4. Pursuant to Regulation 23 *bis*(1) of the Regulations of the Court, this filing is designated confidential as it contains information related to witnesses for whom the Defence seeks redactions as to their identities. A public redacted version is filed concurrently.
5. Annexes A-E.15 are designated confidential as the annexes contain unredacted witness statements not yet known to the public with proposed redactions. Public redacted versions shall be filed in the case record after a decision has been rendered on this request.

III. REDACTION REQUESTS

1. Redaction Requests for UGA-D26-P-0008, UGA-D26-P-0012 and UGA-D26-P-0132

6. The Defence spoke with UGA-D26-P-0008, UGA-D26-P-0012 and UGA-D26-P-0132 about making their statements available to the public without redactions. All three witnesses agreed to have their statements published with limited redactions.
7. Witnesses UGA-D26-P-0008, UGA-D26-P-0012 and UGA-D26-P-0132 requested to have identifying material like phone numbers, current addresses, names of family members,¹ identification card numbers, date of birth, place of birth and other like material redacted from

¹ The Defence notes that this does not include relationships to Mr Ongwen.

the public. The Defence notes that these requests are minimal and do not in any way detract from the substantive content of the witness statements. These types of redactions are routine.²

8. Where applicable, the Defence also requests the redaction of names of its interpreters, current Resource Persons and location of interviews. These types of redactions from the public are also routine.
9. The Defence requests that Trial Chamber IX approve the limited proposed redactions to the statements of UGA-D26-P-0008,³ UGA-D26-P-0012⁴ and UGA-D26-P-0132,⁵ which are highlighted in Annexes A-C.

2. Redaction Request for UGA-D26-P-0077

10. The Defence spoke with UGA-D26-P-0077 about making his statement public without redactions. The Defence explained to the witness that the Defence may make requests for redactions, but the decision on redactions rests solely with Trial Chamber IX.
11. The Defence incorporates by reference paragraphs 7-8 above which pertain to redactions of non-substantive material.
12. Witness UGA-D26-P-0077 requests that his identity and identifying material be withheld from the public. The witness fears for his safety [REDACTED].
13. The Defence requests that Trial Chamber IX approve the proposed redactions to the statement of UGA-D26-P-0077.⁶

3. Redaction Request for UGA-D26-P-0050

14. The Defence spoke with UGA-D26-P-0050 about making her statement public without redactions. The Defence explained to the witness that the Defence may make requests for redactions, but the decision on redactions rests solely with Trial Chamber IX.

² See ICC-02/04-01/15-224 (*noting* that if this type of information is not disclosed to the Defence by the Prosecution, the Defence should not be required to disclose this type of information to the public).

³ See Confidential Annex A.

⁴ See Confidential Annex B.

⁵ See Confidential Annex C.

⁶ See Confidential Annex D.

15. The Defence incorporates by reference paragraphs 7-8 above which pertain to redactions of non-substantive material.
16. The Defence requests that UGA-D26-P-0050's name and identifying material be redacted from the public versions of the statements and transcripts.
17. Witness UGA-D26-P-0050 is [REDACTED]. She was abducted [REDACTED] and lived in the LRA for just over a year. During this time, [REDACTED]. During her time [REDACTED]. This fact has allowed her to hide from the general public, and from those in her village, [REDACTED]. Only those closest to her know about her time in the bush, and she wishes for that to remain the case.
18. During her time in the LRA, the witness protected her true identity by giving her abductors a false name.⁷ The witness did so to prevent persons from the LRA pursuing her if she ever escaped. [REDACTED]. As such, her reintegration back into her community was not as hard as it was for others [REDACTED]⁸ and [REDACTED].⁹
19. The Defence requests that Trial Chamber IX approve the proposed redactions to the statements and transcripts of UGA-D26-P-0050.¹⁰

Respectfully submitted,



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

Dated this 5th day of March, 2019
 At The Hague, Netherlands

⁷ UGA-D26-0025-0097, p. 0097 (*noting* most Prosecution transcripts attached show a false name too). *See also* UGA-OTP-0228-2660-R01, lines 337-454 (*noting* [REDACTED]).

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ Confidential Annexes E.1-E15.