

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: ENGLISH

*No.: ICC—02/04-01/15
Date: 13 September 2019*

TRIAL CHAMBER IX

Before: JUDGE BERTRAM SCHMITT, Presiding Judge
JUDGE PETER KOVACS
JUDGE RAUL C. PANGALANGAN

SITUATION IN UGANDA

**IN THE CASE OF
THE PROSECUTOR *v.* DOMINIC ONGWEN**

PUBLIC

**REQUEST FOR REDACTION OF THE FOLLOWING STATEMENTS FROM THE
PUBLIC RECORD**

1. Date : 26/8/2004 ERN UGA-OTP-0001-0011 paragraphs 118-202 (UGA OTP-0209-0179-ROI)
2. Date :26/8/2004 ERN UGA-OTP-0001-0012 Paragraphs 228-240, 334-701 (UGA-OTP0209-0204-ROI)
3. Date :20/11/2004 ERN UGA-OTP-0030-0007 Paragraphs 19-866 (UGA-OTP-0221-379-ROI)
4. Date : 20/11/2004 ERN UGA-OTP-6030-0010 paragraphs 44-58 (UGA-OTP-221-028-ROI)

**URGENT REQUEST FOR ASSURANCES UNDER RULE 74(3)(c) OF THE
RULES OF PROCEDURE AND EVIDENCE**

Source: Anthony Akelo Okulo, Legal Advisor to witness D26-P-0134

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 Crispus Ayena Odongo
Mr Tom Obhof

Legal Representatives of the Victims

Mr Joseph Akwenyu Manoba
Mr Francis Cox

Legal Representatives of the Applicants

Anthony Akelo Okulo

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Mr Orchlon Narantsetseg

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Mr Esterban Peralta Losilla
Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Anthony Akelo Okulo

INTRODUCTION

1. Defence witness **D26-P-0134** requests assurances under Rule 74 of the Rules of Procedure and Evidence. More in particular with regards to Rule 74 (3) (a) (b) and (c) that states:

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

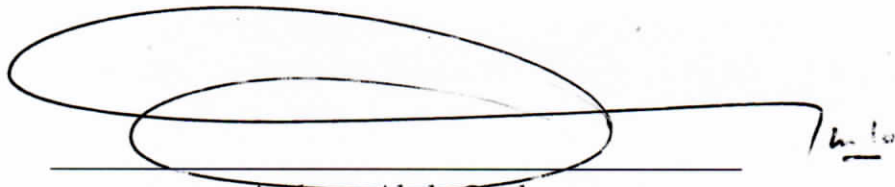
- i. Will be kept confidential and will not be disclosed to the public or any state, and
- ii. Will not be used either directly or indirectly against that person in any subsequent prosecution by the Court, except under articles 70 and 71”

FACTS

2. Whereas by a letter dated 29th August 2019 the undersigned was appointed as a legal advisor to witness number **D26-P-0134** and duly instructed to advise the witness and this Honorable Chamber of the outcome of the pre-trial meeting with the witness and make recommendations as provided for under Rule 74 (3) (c)
3. Having perused the witness statements, discussed the events of which the witness will give evidence of, and reviewing the evidence that will be presented to this Honorable Chamber, on behalf of the witness we humbly request the Honorable Chambers assurances to be provided to him under RULE 74 (3) prior to his commencement of his testimony in court and that the statements listed herein above be REDACTED from the public record and that in-court protective measures such as face distortion and a pseudonym be used.

SUBMISSIONS

4. Therefore, and in accordance to Rule 74, of the Rules of Procedure and Evidence we humbly request the Honorable Chamber to provide assurances to Witness **D26-P-0134** prior to his testimony in court.

A handwritten signature in black ink, consisting of a large, loopy 'A' followed by 'kelo' and a horizontal line.

Anthony Akelo Okulo

Legal Advisor to Witness **D26-P-0134**

Dated this 13th day of September 2019, at Kampala, Uganda