

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **13 November 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 Request for Redactions to Rule 68(2)(b)
Statements’, filed 13 November 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

Fatou Bensouda, Prosecutor
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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REGISTRY

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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 of two of the three Rule 68(2)(b) redaction requests from the Defence and Registry mission in September 2019. These requests would be applied to the public redacted versions of the statements.
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-0020 UGA-D26-P-0034. Witness UGA-OTP-P-0028 is forthcoming.
3. Pursuant to Regulation 23 *bis*(1) of the Regulations of the Court, this filing is designated confidential as it contains information related to a witness for whom the Defence seeks redactions to limited material. A public redacted version is filed concurrently.
4. Annexes A and B 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 record of case after a decision has been rendered on this request.

II. REDACTION REQUESTS

1. General Redaction Requests for UGA-D26-P-0020 and UGA-D26-P-0034 Witness Statements

5. Witnesses UGA-D26-P-0020 and UGA-D26-P-0034 requested to have identifying material like current addresses, names of family members, identification card numbers, date of birth (but not age), place of birth and other like material redacted from the public. The Defence notes that these requests are minimal, do not in any way detract from the substantive content of the witness statements.
6. 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 routine.

7. The Defence requests that Trial Chamber IX approve the limited proposed redactions to the statements of UGA-D26-P-0020¹ and UGA-D26-P-0034,² which are highlighted in green in Confidential Annexes A and B.

2. Specific Redaction Requests for UGA-D26-P-0020

8. The Defence notes that UGA-D26-P-0020 received Amnesty from the Government of the Republic of Uganda ('GoU').³
9. The Defence requests the highlighted portion on p. 0387, para. 7 to be redacted from the public version. Amnesty from the GoU does not cover the witness in [REDACTED]. While the sentence is vague, the witness conducted de-briefings with the GoU.⁴ It is unknown what type of information exists in the public and whether actions performed outside the scope of his Amnesty can be determined. Considering the extremely small redaction, the Defence avers that this small request creates a fair balance between the publicity of the proceedings versus the need to protect witnesses.
10. The Defence requests that Trial Chamber IX approve the proposed redactions to the statement of UGA-D26-P-0020 found in Confidential Annex A.

3. Specific Redaction Requests for UGA-D26-P-0034

11. The Defence notes that UGA-D26-P-0034 received Amnesty from the GoU. It is not stated in the witness statement nor does the Defence have a copy of the document, but the Defence understood from the witness that he received Amnesty.
12. Similar to UGA-D26-P-0020, the Defence requests two portions of UGA-D26-P-0034's witness statement be redacted from the public for acts which took place in [REDACTED]⁵ and [REDACTED].⁶ For the act in [REDACTED], while the reference appears vague, it should be inferred that the witness took part in this action. As for the act in [REDACTED], it is clear from the statement that he was involved in this act.

¹ See Confidential Annex A.

² See Confidential Annex B.

³ UGA-D26-0010-0382, p. 0390, para. 17.

⁴ *Ibid.*

⁵ UGA-D26-0022-0385, p. 0394, para. 35.

⁶ UGA-D26-0022-0385, p. 0395, para. 39.

13. Considering the extremely small redactions, the Defence avers that this request creates a fair balance between the publicity of the proceedings versus the need to protect witnesses. The Defence requests that Trial Chamber IX approve the proposed redactions to the statement of UGA-D26-P-0034 found in Confidential Annex B.

III. RELIEF

14. The Defence respectfully requests Trial Chamber IX to approve the minor redaction requests to the witness statements of UGA-D26-P-0020 and UGA-D26-P-0034 for the public redacted versions of the statements.

Respectfully submitted,



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

Dated this 13th day of November, 2019