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**International
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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

**Decision on the Defence Request for Immediate Release and the Communication
Restrictions Applying to the Accused**

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

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Trial Chamber IX of the International Criminal Court, in the case of *The Prosecutor v. Dominic Ongwen*, having regard to Articles 58(1), 60(3) 61(11), 64(6)(a) and 68(1) of the Rome Statute (the ‘Statute’), Rule 119 of the Rules of Procedure and Evidence, Regulation 101 of the Regulations of the Court and Regulations and 169, 173, 174 and 175 of the Regulations of the Registry issues the following ‘Decision on the Defence Request for Immediate Release and the Communication Restrictions Applying to the Accused’.

I. Procedural history and submissions

1. On 24 June 2015, the Single Judge of Pre-Trial Chamber II (the ‘Pre-Trial Single Judge’) issued a decision on restrictions for telephone communications of the accused.¹ Therein he, *inter alia*, ordered the Registry to transmit to the Office of the Prosecutor (the ‘Prosecution’) the list of persons whom the accused had permitted telephone contacts with (the ‘Telephone Contact List’).² He also allowed temporary restrictions to the accused’s telephone communications, pending a further decision by the Pre-Trial Single Judge.³
2. On 3 August 2015, the Pre-Trial Single Judge issued a further decision on communication restrictions of the accused.⁴ Therein, the Pre-Trial Single Judge considered there to be a reasonable suspicion that the accused attempted to influence potential witnesses via telephone⁵ and ordered a system of restricted communication of the accused to be implemented.⁶ This included an order to the Registry to actively monitor all non-privileged telephone calls and the need for prior authorisation of the Chamber for any changes to the Telephone Contact List.⁷
3. On 27 November 2015, the Pre-Trial Single Judge issued a decision on a request for interim release of the accused (the ‘Decision on Detention’).⁸ Therein, he found that reasons for a continued detention existed, that a conditional release was not suitable and denied the request.

¹ Decision on a request by the Prosecutor under article 57 of the Rome Statute and regulation 101(2) of the Regulations of the Court, ICC-02/04-01/15-254.

² ICC-02/04-01/15-254, para. 8.

³ ICC-02/04-01/15-254, para. 2.

⁴ Decision concerning the restriction of communications of Dominic Ongwen, ICC-02/04-01/15-283.

⁵ ICC-02/04-01/15-283, paras 9, 10 and 12.

⁶ ICC-02/04-01/15-283, para. 15 and p. 8.

⁷ ICC-02/04-01/15-283, p. 8.

⁸ Decision on the “Defence Request for the Interim Release of Dominic Ongwen”, ICC-02/04-01/15-349.

4. On 23 March 2016, the Pre-Trial Single Judge issued the first decision on the review of detention, finding that there had been no change in the circumstances justifying the detention.⁹
5. On 30 May 2016, the Single Judge of the Trial Chamber (the ‘Single Judge’) issued a decision related to the restriction of the communication of the accused.¹⁰ Therein, he found that the contact restrictions remained warranted and installed a system whereby a request for addition to the Telephone Contact List was to be considered approved – subject to the ordinary procedure at the Court’s detention centre – in cases where there was no objection on the part of the Prosecution. In case of such an objection by the Prosecution, would the Single Judge expressly rule on whether to allow the contested addition (all restrictions together hereafter, ‘Contact Restriction Regime’).¹¹
6. On 21 July 2016, the Chamber issued a decision on the review of Mr Ongwen’s detention and, again, on the restrictions on communication.¹² Therein, the Chamber found that there were no changed circumstances requiring the modification of the Decision on Detention¹³ and confirmed the decision of 30 May 2016 regarding the communication restrictions.¹⁴
7. On 18 November 2016, the Chamber reviewed the Decision on Detention again and found that no changed circumstances required its modification.¹⁵
8. On 6 December 2016, the trial in this case commenced.¹⁶
9. On 24 February 2020, the Defence filed its closing brief.¹⁷ Therein, in the section ‘Remedies Requested’, it seeks, *inter alia*, that the accused be immediately released ‘pending judgment on terms and conditions as the Court may deem fit’ (the ‘Immediate

⁹ Decision on the review of Dominic Ongwen’s detention pursuant to article 60(3) of the Statute, ICC-02-04-01/15-421.

¹⁰ Decision on issues related to the restriction of communications of Dominic Ongwen, ICC-02/04-01/15-450-Conf. A public redacted version was filed on the same day, ICC-02/04-01/15-450-Red.

¹¹ ICC-02/04-01/15-450-Red, para. 4.

¹² Decision on the Review of Dominic Ongwen’s Detention and on the Restriction on Communication, ICC-02/04-01/15-503.

¹³ ICC-02/04-01/15-503, paras 9-15.

¹⁴ ICC-02/04-01/15-503, para. 17.

¹⁵ Third Decision on the Review of Dominic Ongwen’s Detention, ICC-02/04-01/15-595.

¹⁶ Transcription of hearing, 6 December 2016, ICC-02/04-01/15-T-26-ENG.

¹⁷ Defence Closing Brief, ICC-02/04-01/15-1722-Conf, with 8 annexes. A corrected version was filed on 6 March 2020, ICC-02/04-01/15-1722-Conf-Corr. A public redacted version was filed on 13 March 2020, ICC-02/04-01/15-1722-Corr-Red.

Release Request’).¹⁸ The Defence makes no further submission regarding this request. It merely makes reference to the accused’s ‘status as a victim and his forced separation from his family’ and proposes to place the accused ‘under the supervision of the Acholi Cultural Institution, which shall undertake to monitor him and guarantee his appearance in court’, without additional information.¹⁹

10. On 26 February 2020, the Chamber ordered, via email, the other parties and participants to respond to the Immediate Release Request, as well as to make submissions on the Contact Restriction Regime. It also ordered the Defence to file a response to the submissions on the new issue of the Contact Restriction Regime only.²⁰
11. On 16 March 2020, the Common Legal Representative for Victims (the ‘CLRv’) submitted its filing (the ‘CLRv Submissions’).²¹ The CLRv submits that the Immediate Release Request should be rejected *in limine* because ‘it is not substantiated nor supported by any legal argument’ except the reference to the accused’s victimhood and separation from his family.²² In case the Chamber considers the request on its merits, it is submitted that no changed circumstances require the release of the accused.²³
12. As regards the Contact Restriction Regime, the CLRv repeats the submissions made in a previous filing and argues that they remain necessary ‘to ensure the safety of the witnesses and victims, prevent breaches of confidentiality and ensure the integrity of the proceedings’.²⁴ Should the Chamber lift the Contact Restriction Regime, the CLRv requests that the accused be ordered to refrain from contacting five dual status witnesses who testified under Article 56 of the Statute.²⁵
13. On 20 March 2020, the Prosecution filed its submission (the ‘Prosecution Submissions’).²⁶ It argues that the Immediate Release Request should be rejected since the end of the trial hearings does not constitute a change of circumstances which

¹⁸ Defence Closing Brief, ICC-02/04-01/15-1722-Corr-Red, para. 731.

¹⁹ Defence Closing Brief, ICC-02/04-01/15-1722-Corr-Red, para. 731.

²⁰ Email from Trial Chamber IX Communications, 26 February 2020, at 19:09.

²¹ CLRv Observations on the Defence Request seeking the release of the Accused and on current restrictions on communication and/or contacts, ICC-02/04-01/15-1728-Conf.

²² CLRv Submissions, ICC-02/04-01/15-1728-Conf, para. 2.

²³ CLRv Submissions, ICC-02/04-01/15-1728-Conf, paras 2, 9-15.

²⁴ CLRv Submissions, ICC-02/04-01/15-1728-Conf, para. 16.

²⁵ CLRv Submissions, ICC-02/04-01/15-1728-Conf, para. 21.

²⁶ Prosecution’s response to Defence’s request for immediate release of the Accused pending judgment, ICC-02/04-01/15-1729-Conf.

warrants a modification of the accused's current detention.²⁷ Equally, it argues that the Contact Restriction Regime is still warranted since it was not exclusively predicated on protecting the trial hearings²⁸ and repeats that, in principle, it does not oppose the accused having contact with individuals who have provided informed consent to having such contact after receiving the advice of the Victims and Witness Unit on the matter.²⁹

14. However, the Prosecution also submits that in case of a sentencing phase there might be the need for further witnesses and argues that the current Contact Restriction Regime finds an appropriate balance 'between the Accused's rights with the need to protect witnesses and the integrity of the proceedings.'³⁰
15. On the same day, the Legal Representatives of the Victims (the 'LRV', together with the CRLV, 'Victim Representatives') also filed their submissions (the 'LRV Submissions').³¹ Akin to the CLRV Submissions and Prosecution Submissions, the LRV submit that the Immediate Release Request should be dismissed *in limine*³² or otherwise rejected³³ and that the Contact Restriction Regime should be upheld.³⁴
16. On 1 April 2020,³⁵ the Defence filed its submission on the issue of the Contact Restrictions Regime, arguing that the restrictions should be lifted (the 'Defence Submissions').³⁶ Additionally it requests, should the lifting be granted, that the procedure installed by decision ICC-02/04-01/15-1445 of the Chamber regarding incoming mail (the 'Correspondence Decision')³⁷ also be abolished.³⁸

²⁷ Prosecution Submissions, ICC-02/04-01/15-1729-Conf, paras 1, 6-12.

²⁸ Prosecution Submissions, ICC-02/04-01/15-1729-Conf, para. 13.

²⁹ Prosecution Submissions, ICC-02/04-01/15-1729-Conf, para. 13.

³⁰ Prosecution Submissions, ICC-02/04-01/15-1729-Conf, para. 15.

³¹ Victims' response to the Defence's request for immediate release of the Accused pending judgement, ICC-02/04-01/15-1730-Conf.

³² LRV Submissions, ICC-02/04-01/15-1730-Conf, para. 2.

³³ LRV Submissions, ICC-02/04-01/15-1730-Conf, paras 3, 16-30.

³⁴ LRV Submissions, ICC-02/04-01/15-1730-Conf, paras 31-32.

³⁵ The response deadline for the Defence was extended by the Chamber to 1 April 2020, upon request of the Defence. Email from Trial Chamber IX Communications, 26 February 2020, at 19:09.

³⁶ Defence Omnibus Response to Prosecution and Participants on Ending Communication Restrictions on Mr Ongwen Following Closing Arguments, ICC-02/04-01/15-1731-Conf.

³⁷ Decision on Defence Request for Production of Correspondence Addressed to Mr Ongwen, ICC-02/04-01/15-1445, para. 15.

³⁸ Defence Submissions, ICC-02/04-01/15-1731-Conf, para. 19.

17. The Defence submits that the Contact Restriction Regime is unnecessary and disproportionate³⁹ and argues that any further restrictions on contact with witnesses who testified under Article 56 of the Statute are equally not necessary.⁴⁰

II. Analysis

18. As a preliminary matter, the Chamber notes the submissions on the classification of the filings⁴¹ and orders the Registry to reclassify the Prosecution Submissions, the CLRV Submissions, the LRV Submissions and the Defence Submissions as ‘public’.
19. The Chamber will first address the Immediate Release Request and then the subject of the Contact Restriction Regime.

1. Immediate Release Request

20. In respect of the Victim Representatives submission to dismiss the request *in limine*,⁴² the Chamber notes that Article 60(3) of the Statute provides the detained person with the right to request a review on the decision on detention. Accordingly the Chamber will consider the merits of the request to release Mr Ongwen.
21. The Chamber recalls, that the Decision on Detention found that the accused’s continuing detention was necessary pursuant to Article 58(1)(b)(i) and (ii) of the Statute.⁴³ In respect of Article 58(1)(b)(i) of the Statute, the Pre-Trial Single Judge found that the accused has evaded ‘arrest for more than nine years after the Court’s warrant for his arrest, of which he appears to have been aware’⁴⁴ and concluded that a flight risk ‘is compounded by the gravity of the intended charges’.⁴⁵

³⁹ Defence Submissions, ICC-02/04-01/15-1731-Conf, paras 13-33.

⁴⁰ Defence Submissions, ICC-02/04-01/15-1731-Conf, paras 34-40.

⁴¹ Prosecution Submissions, ICC-02/04-01/15-1729-Conf, para.4; CLRV Submissions, ICC-02/04-01/15-1728-Conf, para. 7, LRV Submissions, ICC-02/04-01/15-1730-Conf, para. 13 and Defence Submissions, ICC-02/04-01/15-1731-Conf, para 4.

⁴² CLRV Submissions, ICC-02/04-01/15-1728-Conf, para. 1 and LRV Submissions, ICC-02/04-01/15-1730-Conf, para. 2.

⁴³ Decision on Detention, ICC-02/04-01/15-349, para. 14.

⁴⁴ Decision on Detention, ICC-02/04-01/15-349, para. 16.

⁴⁵ Decision on Detention, ICC-02/04-01/15-349, para. 18.

22. In respect of Article 58(1)(b)(ii) of the Statute, the Pre-Trial Single Judge cited to facts established in a previous decision⁴⁶ and concluded that upon these facts a risk of exercising pressure over witnesses continued to exist.⁴⁷ He further found the fact that this exertion of pressure was done while the accused was in the Court's detention centre to be justification for a risk that 'he may exercise a similar form of pressure over other witnesses'.⁴⁸
23. The Defence first mentions the Immediate Release Request in the 'Remedies Requested' section, on the last page of the Defence Closing Brief. It submits that this should be done 'given Mr Ongwen's status as a victim and his forced separation from his family'.⁴⁹ It further suggests that the accused could be placed 'under the supervision of the Acholi Cultural Institution, which shall undertake to monitor him and guarantee his appearance in court' or that the Chamber could impose any other condition it 'may deem fit'.⁵⁰
24. The two arguments advanced by the Defence – the accused's status as an alleged victim and the fact that he is separated from his family in detention – are not new facts that arose at this stage of the proceedings. The Defence does not present any argument which has a bearing on the grounds requiring the accused's detention as found in the Decision on Detention, and in particular does not even purport to explain how there has been a change of circumstances which should lead to a different decision.
25. The Chamber notes that the presentation of evidence is closed and that the Chamber is in deliberation. It also notes the Prosecution and Victim Representatives submissions that there is a possibility that there will be need for further evidence, for instance for a potential sentencing phase.⁵¹ However, any theoretically possible future evidentiary phase will be significantly reduced in its scope, compared to the number of witnesses who already appeared before the Chamber. Additionally, the Chamber notes that there have been no incidents related to any alleged witness interference since 2016. The

⁴⁶ See Decision on Detention ICC-02/04-01/15-349, para. 20; citing to Decision on a request by the Prosecutor under article 57 of the Rome Statute and regulation 101(2) of the Regulations of the Court, ICC-02/04-01/15-254, paras 4 and 6.

⁴⁷ Decision on Detention ICC-02/04-01/15-349, para. 21.

⁴⁸ Decision on Detention ICC-02/04-01/15-349, para. 23.

⁴⁹ Defence Closing Brief, ICC-02/04-01/15-1722-Corr-Red, para. 731.

⁵⁰ Defence Closing Brief, ICC-02/04-01/15-1722-Corr-Red, para. 731.

⁵¹ Prosecution Submissions, ICC-02/04-01/15-1729-Conf, para. 10; CLRV Submissions, ICC-02/04-01/15-1728-Conf, para. 11 and LRV Submissions, ICC-02/04-01/15-1730-Conf, para. 31.

Chamber considers that these factors combined constitute changed circumstances which make the reason for detention pursuant to Article 58(1)(b)(ii) of the Statute no longer necessary.

26. However, the Chamber considers that no changed circumstances exist with regard to the detention pursuant to Article 58(1)(b)(i) of the Statute. The necessity to ensure the accused's appearance at trial does not change because the Chamber is in deliberation, in particular because the accused's presence will be required for the delivery of the judgment.
27. Accordingly, the Chamber finds that the reason for detention under Article 58(1)(b)(ii) of the Statute no longer exists. No change of circumstances underlying the Decision on Detention or new fact have been presented or are immediately apparent to justify an amendment of the Decision on Detention with regard to Article 58(1)(b)(i) of the Statute.
28. Rule 119 of the Rules provides for the possibility of a conditional release. It is in this sense that the Chamber understands the proposal of the Defence to place the accused 'under the supervision of the Acholi Cultural Institution which shall undertake to monitor him and guarantee his appearance in court'. However, the Defence does not provide any further explanation or details. It is the Chamber's impression that the Defence suggests that the accused would be placed in his home area, while awaiting the judgment. The Chamber is of the view that this heightens the chances that the accused might not appear at trial or abscond. Noting also that the Defence has not made any submissions in practical terms and has not specified the conditions it suggests to be imposed on the accused, the Chamber deems unsuitable the envisaged release to the supervision of a cultural institution over which the Court has no control. Accordingly, it does not see in this scenario the possibility of any conditional release that could adequately mitigate the risk of absconding.
29. In light of the above, the Chamber does not find it appropriate to order a conditional release. Accordingly, the Chamber rejects the Immediate Release Request. The Chamber also clarifies that it decided not to seek observations from States under Regulation 51 of the Regulations for the purpose of the present decision, as in light of the above, such observations would serve no purpose.

2. *Contact Restriction Regime*

30. The Chamber will now turn to the existing restrictions on the accused's communication with persons outside of the detention centre. It recalls that the key elements of the Contact Restriction Regime consist in the active monitoring of all non-privileged telephone calls and a system whereby new additions to the list of contacts the accused is allowed to communicate with is either unopposed by the Prosecution or expressly approved by the Chamber.
31. The Chamber recalls that the Pre-Trial Single Judge affirmed the initially temporary restrictions on the accused's communications, finding that there is a 'reasonable suspicion that there had been attempts by Dominic Ongwen to exercise via telephone communications some sort of influence on persons who possess information relevant to the case.'⁵² This was subsequently confirmed by the Single Judge of the Chamber and became the basis for the Contact Restriction Regime.⁵³
32. At the outset, the Chamber does not agree with the arguments made by the Defence regarding the comparability of different cases of communication restrictions. The Defence submits that the fact that Trial Chamber VI removed restrictions in a case where the allegations giving rise to these restrictions were more severe than in the current case is indication that the Contact Restriction Regime is not necessary anymore.⁵⁴
33. The Chamber agrees with Trial Chamber VI and finds that references to rulings of other chambers in other cases provide only very limited guidance on the necessity and proportionality of restrictions in this case since communication restrictions needs to be determined in a case-by-case assessment.⁵⁵
34. The Chamber finds the current stage of the proceedings – where the parties held their closing arguments and the Chamber is currently in deliberation – to be a factor that needs to be taken into account during the assessment of whether the Contact Restriction Regime is still necessary and proportionate in its current form.

⁵² Decision concerning the restriction of communications of Dominic Ongwen, ICC-02/04-01/15-283, para. 10.

⁵³ Decision on issues related to the restriction of communications of Dominic Ongwen, ICC-02/04-01/15-450-Red.

⁵⁴ Defence Submissions, ICC-02/04-01/15-1731-Conf, paras 30-33.

⁵⁵ Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Public redacted version of Decision on Prosecution requests to impose restrictions on Mr Ntaganda's contacts, 18 August 2015, ICC-01/04-02/06-785-Red, para. 59.

35. As explained in paragraph 25 above, any potential future evidentiary phase will be reduced in scope compared to the number of witnesses who already appeared before the Chamber. Further, the Chamber considers that the principal concern brought forward against the lifting of the Contact Restriction Regime is already addressed in other ways, as further explained below.
36. The main argument invoked by the other parties and participants is that of the safety of witnesses, especially witnesses who testified under Article 56 of the Statute (hereafter, ‘Article 56 Witnesses’).⁵⁶
37. In this regard, the Chamber notes the protocol on contact between a party and witnesses called by the opposing party or a participant (the ‘Protocol’).⁵⁷ According to paragraph 28 of the Protocol, the Defence needs the consent of the witnesses in order to contact them. The Chamber stresses that the prohibition to contact witnesses called by the other party and participants also applies to the accused.⁵⁸ Any contact by the accused or the Defence with such witnesses must take place in accordance with paragraphs 26 to 30 of the Protocol. No attempts to contact witnesses called to testify by the Prosecution or Victim Representatives can be made without prior consent.
38. In the past, the Defence has always adhered to the Protocol. Specifically regarding the Article 56 Witnesses, several requests were made to enquire whether these persons wished to be contacted by the Defence or the accused.⁵⁹ The Defence has stressed that it will respect the wish of the witnesses⁶⁰ and the Chamber has no reason to put these assurances into doubt.

⁵⁶ CLRV Submissions, ;l-1728-Conf, para. 16; Prosecution Submissions, ICC-02/04-01/15-1729-Conf, paras 13-14; and LRV Submissions, ICC-02/04-01/15-1730-Conf, paras 31 and 32.

⁵⁷ Annex to the Order concerning the modalities for the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant, 11 November 2019, ICC-02/04-01/15-339-Anx.

⁵⁸ Protocol, ICC-02/04-01/15-339-Anx, para. 4 a).

⁵⁹ Decision on Defence Request to Meet with Six Prosecution Witnesses, ICC-02/04-01/15-1593. Decision on Defence Request to Lift Communication Restrictions, ICC-02/04-01/15-1642.

⁶⁰ Public redacted version of ‘Defence Request to Lift Communication Restrictions Placed Upon Mr Ongwen’ (ICC-02/04-01/15-1616-Conf), filed 27 September 2019, ICC-02/04-01/15-1616-Red, para. 56: ‘If an individual does not wish to have contact, then they will not have contact.’

39. Since all Article 56 Witnesses have been contacted on this matter and submitted their – largely negative – response,⁶¹ the Chamber does not see any reasons why the Defence or the accused should try to contact these persons in the future. The Chamber finds the Defence’s submissions in respect on the exact manner how the Article 56 Witnesses were contacted⁶² and the insinuation that a ‘series of emails and conduct of the women generally point to the fact that the women favour communicating with Mr Ongwen on matters concerning their children’⁶³ unconvincing. All Article 56 Witnesses were asked and provided their responses, the Chamber makes it clear that any further attempts by the Defence or the accused to contact these persons, would be contrary to the Protocol, contrary to the two decisions concerning the Article 56 Witnesses and, also, contrary to the Defence’s own assurances. Should any of the Article 56 Witnesses who previously declined communication contact the accused out of her own volition the Defence shall bring this to the attention of the parties and participants and the Chamber.
40. In this context, the Chamber does not consider that the additional order requested by the CRLV with regard to the Article 56 Witnesses is necessary.
41. Considering the above, the Chamber finds that the continuation of the Contact Restriction Regime is not necessary and can be lifted. This is also in consideration that the normal safeguards of Regulations 173 and 174 of the Regulations of the Registry will continue to apply. Further, the Chamber points out that the Contact Restriction Regime can be re-instated should there be indications that either the Protocol or the regime prescribed by the statutory framework is not followed. In this regard, the Chamber instructs the relevant section in the Registry to inform the Chamber should there be any signs that the applicable regime is not respected.
42. In the same spirit, the Chamber also considers that the special procedure regarding incoming mail established in the Correspondence Decision⁶⁴ is no longer necessary. This is especially the case since the normal safeguards prescribed in Regulation 169 of the Regulations of the Registry will continue to apply.

⁶¹ E-mail of the Registry to Trial Chamber IX Communication on 11 October 2019, at 15:45. The E-mail was to the Chamber only, however the Registry indicated that the parties and participants have been informed of the decision by the witnesses. E-mail of the Registry to Trial Chamber IX Communication on 29 October 2019, at 15:43. Members of the parties and participants were copied into the E-mail.

⁶² Defence Submissions, ICC-02/04-01/15-1731-Conf, paras 37-38.

⁶³ Defence Submissions, ICC-02/04-01/15-1731-Conf, para. 39.

⁶⁴ Correspondence Decision, ICC-02/04-01/15-1445, para. 15

43. The Defence is instructed to ensure that the accused understands this decision, especially paragraphs 37 and 39, and that the lifting of the Contact Restriction Regime does not entail that he can freely contact any person. It is further instructed to explain to the accused that the restrictions could be reinstated in case of violations against the provisions laid out in the Protocol or the statutory framework.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

ORDERS the Registry to reclassify the Prosecution Submissions (ICC-02/04-01/15-1729-Conf), the CLRV Submissions (ICC-02/04-01/15-1728-Conf), the LRV Submissions (ICC-02/04-01/15-1730-Conf) and the Defence Submissions (ICC-02/04-01/15-1731-Conf) as ‘public’;

REJECTS the Immediate Release Request;

ORDERS the lifting of the Contract Restriction Regime;

ORDERS the lifting of the special procedure regarding incoming mail established in paragraph 15 of the Correspondence Decision (ICC-02/04-01/15-1445); and

ORDERS the Defence to inform the accused in accordance with paragraph 43 of this decision.

Done in both English and French, the English version being authoritative.



Judge Bertram Schmitt, Presiding Judge

Judge Péter Kovács

Judge Raul C. Pangalangan

Dated 16 April 2020

At The Hague, The Netherlands