

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **21 September 2021**

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN UGANDA

THE PROSECUTOR v. DOMINIC ONGWEN

Public

**Trust Fund for Victims' response to Registry Request for Access to Prosecution
Documents**

Source: The Trust Fund for Victims

To be notified in accordance with regulation 31 of the *Regulations of the Court* to:**Office of the Prosecutor**

Mr Karim A. A. Khan
Mr James Stewart

Counsel for the Defence

Mr Krispus Ayena Odongo

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox

Legal Representatives of Applicants**Unrepresented Victims****Office of Public Counsel for
Victims**

Ms Paolina Massidda

**Unrepresented Applicants for
Participation/Reparation****States' Representatives****Office of Public Counsel for the Defence****Amicus Curiae****REGISTRY**

Registrar

Mr Peter Lewis

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations
Section****Other**

Mr Philipp Ambach

1. On 6 May 2021, following the sentencing to 25 years of imprisonment of Mr Ongwen for the commission of 61 counts of crimes against humanity and war crimes,¹ Trial Chamber IX (“Trial Chamber”) issued an Order for Submissions on Reparations (“Order”),² directing *inter alia*: (i) the parties, the Registry and the Trust Fund for Victims (“Trust Fund”) to make submissions on a number of issues, including the “estimated total number of the direct and indirect victims of the crimes for which Mr Ongwen was convicted, who may be potentially eligible for reparations” by 6 September 2021;³ and (ii) the Registry, with the assistance of the LRVs as appropriate, “to undertake a comprehensive mapping of direct and indirect victims potentially eligible for reparations” (“Mapping Exercise”) by 6 September 2021⁴.
2. On 19 July 2021, the Trial Chamber extended the time limit for these observations to 6 December 2021.⁵
3. On 30 July 2021, the Trial Chamber granted a request from the legal representatives of victims (“LRVs”) to share seven confidential documents with the VPRS for the purpose of the mapping exercise (“Decision on Disclosure of Confidential Material”).⁶
4. On 15 September 2021, the Registry submitted a request for access a number of documents emanating from the Office of the Prosecutor (“Prosecution”) and considered relevant for the Mapping Exercise (“Request”).⁷
5. The Trust Fund fully supports this request and brings to the attention of the Trial Chamber that access to such documents, in particular insofar as public,⁸ or available in redacted format, may also be granted to the Trust Fund, in particular in light of the above Order addressed to the Trust Fund in the same way as to parties and VPRS. Furthermore, in this context, the Trust Fund draws the attention of the Trial Chamber also to material referred to in the Decision on Disclosure of Confidential Material and to the fact that information contained therein may be of particular importance to its estimations relevant to the costs of repair.

¹ Trial Judgment, 4 February 2021, [ICC-02/04-01/15-1762-Red](#); Sentence, 6 May 2021, [ICC-02/04-01/15-1819-Red](#).

² Order for Submissions on Reparations, [ICC-02/04-01/15-1820](#).

³ Order for Submissions on Reparations, [ICC-02/04-01/15-1820](#), para. 5(i)(b).

⁴ Order for Submissions on Reparations, [ICC-02/04-01/15-1820](#), para. 5(iv).

⁵ Decision on requests for extension of time, [ICC-02/04-01/15-1865](#).

⁶ Decision on the Victims’ Request for Authorisation to Disclose Confidential Information in the Record of the Case to the Registry for the Purpose of Mapping of Potential Victims Eligible for Reparations, ICC-02/04-01/15-1869. The documents consist of three witness statements and four lists and are confidential material disclosed by the Prosecution. The LRVs deem them of great value for the mapping exercise (Decision on Disclosure of Confidential Material, para. 4).

⁷ Registry Request for Access to Prosecution Documents, ICC-02/04-01/15-1872.

⁸ The evidence number provided does not contain any suffix that would reveal whether the evidence at stake is public or confidential.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 21 September 2021
At The Hague, The Netherlands.