

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 June 2022

TRIAL CHAMBER IX

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

SITUATION IN UGANDA

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

Public Redacted Version of ICC-02/04-01/15-2004-Conf

**CLRV's Response to "Defence Request for an Alteration of the Contact
Restrictions on Dominic Ongwen"**

Source: Office of Public Counsel for Victims

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Karim A.A. Khan
Mr Colin Black

Counsel for the Defence

Mr Charles Achaleke Taku
Ms Beth Lyons

Legal Representatives of the Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox

Common Legal Representatives for Victims

Ms Paolina Massidda

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

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Common Legal Representative of the Victims¹ (the “CLR/V”), representing [REDACTED], hereby files her response to the “Defence Request for an Alteration of the Contact Restrictions on Dominic Ongwen” (the “Request”).² The CLR/V submits that, taking into account the wish of the individual concerned, varying the restrictions on communication between [REDACTED] and Mr Ongwen is justified in the present circumstances.

II. PROCEDURAL BACKGROUND

2. On 5 June 2015, Trial Chamber IX (the “Chamber”) instructed, *inter alia*, that, should any of the Prosecution’s witnesses - who had testified under article 56 of the Rome Statute and previously declined communication - wish freely to be in contact with Mr Ongwen, the Defence shall inform the parties, participants and the Chamber accordingly.³

3. On 20 April 2022, the Defence informed the CLR/V that [REDACTED] indicated to it that the latter expressed her wish to visit Mr Ongwen at the ICC Detention Centre in The Hague.

¹ See the “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights” (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-350, 27 November 2015, p. 19; the “Decision on issues concerning victims’ participation” (Pre-Trial Chamber II, Single Judge), No. [ICC-02/04-01/15-369](#), 15 December 2015, pp. 10-11; the “Second decision on contested victims’ applications for participation and legal representation of victims” (Pre-Trial Chamber II, Single Judge), No. [ICC-02/04-01/15-384](#), 24 December 2015, pp. 20-22; and the “Decision on the ‘Request for a determination concerning legal aid’ submitted by the legal representatives of victims” (Trial Chamber IX, Single Judge), No. [ICC-02/04-01/15-445](#), 26 May 2016, para. 13.

² See the “Defence Request for an Alteration of the Contact Restrictions on Dominic Ongwen”, No. [ICC-02/04-01/15-2002-Conf](#), 9 June 2022 (the “Request”). A public redacted version of the Request was filed the same day. See No. [ICC-02/04-01/15-2002-Red](#).

³ See the “Corrected version of Decision on the Defence Request for Immediate Release and the Communication Restrictions Applying to the Accused” (Trial Chamber IX), No. [ICC-02/04-01/15-1733-Corr](#), 17 April 2020, para. 39.

4. On 9 June 2022, the Defence submitted the Request.⁴

III. CONFIDENTIALITY

5. Pursuant to regulation 23*bis* (2) of the Regulations of the Court, the present submission is filed confidential because it contains confidential information and due to the classification chosen by the Defence. A public redacted version will be filed simultaneously.

IV. SUBMISSIONS

6. The Defence requests the Chamber to remove the communication restrictions between [REDACTED] and Mr Ongwen. The CLRV submits that, having checked the wish of the concerned individual, the variation of the restrictions on communication placed upon Mr Ongwen with respect to [REDACTED] is justified in the present circumstances given that: (i) the trial has ended; (ii) [REDACTED] freely expressed her wish to meet Mr Ongwen with [REDACTED] ; and (iii) throughout of the prospective trip to and from The Netherlands, they may be accompanied by [REDACTED].

7. The CLRV confirms that, in the recent past weeks, [REDACTED] explicitly expressed her willingness to meet Mr Ongwen at the ICC Detention Centre. [REDACTED] has also expressed his interest to see Mr Ongwen together with [REDACTED]. This information has been properly vetted by the CLRV and [REDACTED] who met twice with [REDACTED] to discuss the matter. The CLRV also confirms that, in the event that the Chamber grants the Request, [REDACTED] will be available to accompany [REDACTED] during their travel from Uganda to The Netherlands. Having worked as [REDACTED] for a significant period of time, [REDACTED] has been in constant contact with [REDACTED] since years and he has thus established a trust relationship with [REDACTED] which he visits regularly.

⁴ See the Request, *supra* note 2.

Consequently, the CLRV posits that [REDACTED] presence during the trip will be beneficial to the mental and physical welfare of [REDACTED] who will be travelling in Europe for the first time and who will be exposed to a new environment.

8. Lastly, the CLRV wishes to inform the Chamber that, except for facilitating the personal assistance of [REDACTED] upon her instruction, the Defence shall solely be in charge of the whole organisation and logistics for the travel arrangements and stay in The Netherlands.

Respectfully submitted.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Paolina Massidda
Principal Counsel

Dated this 13th day of June 2022

At The Hague, The Netherlands