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

Date: 7 July 2023

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

**With One Confidential *Ex parte* Annex only available to the Defence and the
Common Legal Representative of Victims**

**Transmission to the Defence of One Lesser Redacted Victim Dossier pursuant to
Trial Chamber IX Decision ICC-02/04-01/15-2027**

Source: Registry

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

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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Registrar

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Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

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I. Introduction

1. Pursuant to Trial Chamber IX (“Chamber”)’s decision¹ issued on 16 January 2023 in the case *The Prosecutor v. Dominic Ongwen* (“Case”) instructing the Registry, through the Victims Participation and Reparations Section (“VPRS”), to implement redactions to a sample of 205 victims’ dossiers and transmit them to the Defence (“Decision”),² the Registry hereby transmits one lesser redacted victim’s dossier to the Defence and the Common legal representative of victims (“CLR”).³

II. Procedural History

2. In the course of proceedings, the Registry transmitted applications for participation in the proceedings in redacted version to the Defence.⁴
3. On 21 November 2022, pursuant to the Chamber’s instructions conveyed by email of 16 November,⁵ the Registry submitted information regarding: 1) the total number of applications for participation and/or reparations received in the case; and 2) the total representation, within the applications received, regarding gender, age, and the main three groups of the victims of the case.⁶
4. On 16 December 2022, the Chamber issued its “Decision on the Registry Additional Information on Victims”, in which it instructed *inter alia*, the Registry, through the

¹ Trial Chamber IX, “Decision on the Registry Transmission of List of Individuals and Relevant Information for Reparations Sample”, 16 January 2023, ICC-02/04-01/15-2027.

² Decision, para. 13 (c) and Disposition p.12.

³ The Registry notes that the victims in the Case are organised in two groups represented respectively by the Common Legal Representative of Victims (Me Paolina Massidda of the Office of Public Counsel for Victims) and the Legal Representatives of Victims (Mes Joseph Akwenyu Manoba and Francisco Cox, “LRVs”); see for the denomination Trial Chamber IX, Trial Judgment, 4 February 2021, ICC-02/04-01/15-1762-Red, para. 19.

⁴ Reference to the relevant Registry transmissions of redacted victims’ applications is made in Annexes 1 and 33 of Registry, “Transmission to the Defence of 63 Redacted Victim Dossiers pursuant to Trial Chamber IX Decision ICC-02/04-01/15-2027”, 15 March 2023, ICC-02/04-01/15-2034.

⁵ Email from Trial Chamber IX to the VPRS, Parties and Trust Fund for Victims, 16 November 2022 at 15:01.

⁶ Registry, “Registry Additional Information on Victims”, dated 21 November 2022 and notified on 22 November 2022, ICC-02/04-01/15-2019. The Registry notes that the three groups consist in: (i) victims of the attacks at or near the Internally Displaced Persons (“IDP”) camps of Pajule, Odek, Lukodi, and Abok; (ii) victims of sexual and gender-based crimes; and (iii) victims of the crimes of conscription and use of child soldiers.

VPRS, to 1) extract from the universe of participating victims a random sample of 205 individuals (“Sample”);⁷ and 2) transmit to the Chamber the list of individuals to be included in the Sample as well as their details compiled in the Registry’s databases.⁸

5. On 9 January 2023, the Registry transmitted to the Chamber the aforementioned list of individuals included in the Sample as well as their details extracted from the VPRS database.⁹
6. On 16 January 2023, the Chamber issued the Decision by which it approved the Sample and instructed, *inter alia*, the legal representatives of victims in the Case to (1) contact the victims they represent and consult them as to whether they consent to their identities being disclosed to the Defence, and (2) inform the Defence and the VPRS about the victims’ consent, on a rolling basis and within thirty days from the notification of the Decision.¹⁰ Finally, the Chamber instructed the VPRS to review the redactions to the victims’ dossiers, in accordance with the criteria outlined in the Decision;¹¹ it further instructed VPRS to transmit, if applicable, lesser redacted victims’ dossiers to the Defence, on a rolling basis and within thirty days from the date it receives the information about the victims’ consent.¹²
7. On 27 January 2023, the VPRS transmitted to the CLR and the LRVs the dossiers of their respective clients who are included in the Sample, with proposed redactions, for their review and further indication of any redactions which could be lifted, in

⁷ As per the Chamber’s instructions, the Sample shall be constituted of: 92 victims from the Pajule IDP camp; 24 victims from the Odek IDP camp; 18 victims from the Lukodi IDP camp; 40 victims from the Abok IDP camp; and 31 victims from the thematic crimes.

⁸ Trial Chamber IX, “Decision on the Registry Additional Information on Victims”, 16 December 2022, ICC-02/04-01/15-2024, para 27 (c) and (d) and Disposition p. 16.

⁹ Registry, “Registry Transmission of List of Individuals and Relevant Information for Reparations Sample”, 9 January 2023, ICC-02/04-01/15-2026.

¹⁰ Decision, para. 13 (a) and (b) and Disposition p. 12.

¹¹ Decision, paras 10 to 12.

¹² Decision, para. 13 (c) and Disposition p. 12.

compliance with paragraphs 10 to 12 of the Decision, and following consultations with their clients.¹³

8. On 15 March 2023, the VPRS transmitted *i)* a list containing the victims' reference numbers for which no additional redaction is lifted, with their corresponding filing number and ERN, where applicable, available to the Defence and the respective common/legal representatives of victims; and *ii)* the lesser redacted versions of 63 victims' dossiers, available to the Defence and the CLR, and the LRVs, respectively.¹⁴
9. On 16 and 18 April 2023, the Defence sent to the VPRS two requests for lifting redactions ("Defence Requests").¹⁵
10. Following consultations with the CLR and the LRVs on the Defence Requests,¹⁶ the Defence was informed by the VPRS that the lifting of one redaction was agreed upon by the CLR, whilst all other redactions were maintained. The justification provided by the CLR and LRVs for maintaining those redactions was also shared with the Defence.¹⁷

III. Classification

11. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, and in accordance with the Decision, the annex to this document is classified confidential *ex parte*, only available to the Defence and the CLR.

¹³ Emails from VPRS to CLR and LRVs, dated 27 January 2023, at, respectively, 15:47 and 16:59. The redactions proposed by the VPRS correspond to the redactions applied to the victims' applications for participation transmitted to the Defence in the context of victims' admission in the proceedings, as referred at para. 2. See also Decision, para. 10.

¹⁴ Registry, "Transmission to the Defence of 63 Redacted Victim Dossiers pursuant to Trial Chamber IX Decision ICC-02/04-01/15-2027", 15 March 2023, ICC-02/04-01/15-2034.

¹⁵ Emails from Defence to VPRS, dated 16 and 18 April 2023, at, respectively 13:43 and 17:32.

¹⁶ Emails from VPRS to CLR and LRVs, dated 20 April 2023, at, respectively 17:24 and 18:45. Emails from CLR and LRVs to VPRS, dated 28 April 2023, at, respectively, 11:37 and 18:59.

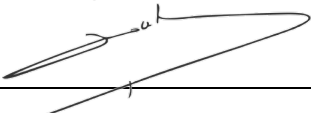
¹⁷ Email from VPRS to the Defence dated 2 May 2023, at 13:53.

IV. Applicable Law

12. The Registry submits the present filing in accordance with the Decision.

V. Transmission

13. The Registry hereby transmits the lesser redacted version of one victim dossier, available to the Defence and the CLR.


A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, is positioned above a solid horizontal line.

Marc Dubuisson, Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 7 July 2023

At The Hague, the Netherlands