

Confidential

***Ex parte* only available to
Prosecution**

Annex 2



Le Bureau du Procureur
The Office of the Prosecutor

Krispus Ayena Odongo
Counsel to Dominic Ongwen
Parliament of Uganda, Plot 16-18 Parliament Avenue
7178 Kampala
Uganda

22 July 2015

Dear Mr Krispus Odongo,

As part of its enquiries into war crimes and crimes against humanity allegedly committed by Dominic Ongwen in Uganda, Prosecution is interested in obtaining a sample of Mr Ongwen's bodily tissues for the purpose of DNA testing. This could be a small amount of saliva or tissues obtained from the inner walls of his cheek.

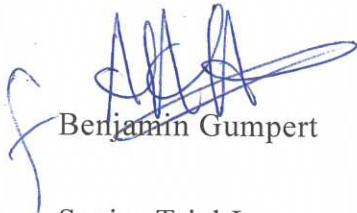
As you are aware, the Prosecution is considering charging Dominic Ongwen with the commission of sexual crimes, including against women who later bore children. The Prosecution believes that the most effective way to satisfy its article 54(1)(a) obligations with respect to the investigation of these alleged crimes is to determine through independent means whether the children of these women are related to Dominic Ongwen. Although this can be done through several ways, the provision of Dominic Ongwen's DNA would most effectively contribute to the pursuit of the truth and assist the court in its truth seeking functions.

In order to ensure the independence of the procedure to obtain the sample, Prosecution proposes that the taking of the bodily tissue be conducted by medical personnel from the Registry in the presence of Defence Counsel and a representative of the Office of the Prosecutor. The sample will then be taken to the Netherlands Forensic Institute for analysis, and the results made available to all parties.

The Prosecution is willing to engage with the Defence on additional steps that may be necessary to ensure the smooth and efficient completion of this process.

We look forward to receiving your response.

Yours Sincerely,



Benjamin Gumpert

Senior Trial Lawyer
Office of the Prosecutor

Hon. Krispus Ayena Odongo
Defence Team for Dominic Ongwen
International Criminal Court
Office 2055 HV

29 July 2015

RE: Prosecution Request to Collect Genetic Material from Dominic Ongwen

Dear Benjamin Gumpert, QC;

This is to acknowledge receipt of yours dated 22 July 2015 and hereby respond thereto.

Particularly in respect to your inquiry to collect genetic material, i.e. DNA, from Mr Dominic Ongwen, the Defence feels that it is premature for your office to make such a request considering the current state of the case.

That notwithstanding, and with the highest respect to the Office of the Prosecutor, the Defence does not agree to the collection of genetic material from Mr Ongwen.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Krispus Ayena Odongo', written over a horizontal line.

Hon. Krispus Ayena Odongo
Lead Counsel
Defence Team for Dominic Ongwen