

ANNEX XV

PUBLIC

From: Trial Chamber IX Communications
Sent: 24 January 2018 14:17
To: [REDACTED]
Cc: [REDACTED]
Subject: Decision on Rule 74 Assurances for P-372
Follow Up Flag: Follow up
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Dear Registry and Participants:

In filing 1146, Mr Fabian Raimondo requested Rule 74 assurances for P-372. In his application, Rule 74 Counsel notes that P-372 was 16 or 17 years old at the time of the attacks relevant to his testimony.

As noted by Rule 74 Counsel himself, Article 26 of the Statute prevents any Prosecution of P-372 for any crimes committed under 18 years of age. In the annex to filing 804, the Government of Uganda also gave a formal undertaking that ‘statements made or testimony given, in the course of the investigation or the trial of Dominic Ongwen at the International Criminal Court, by witnesses who were under the age of 18 at the time of the events described in those statements, will not be used against those witnesses either directly or indirectly in any subsequent criminal proceedings before Ugandan courts’.

Given the nature of the anticipated testimony and the subsequent low probability of self-incrimination, the Chamber does not find it necessary to provide any Rule 74 assurances at the outset of this witness’s testimony. The relief sought by Rule 74 counsel is therefore rejected. The Chamber may, however, resort to the use of private session if it deems it necessary.

The Registry is ordered to inform Mr Raimondo that his presence during P-372’s testimony is not required.

Pursuant to Regulation 23 *bis* of the Regulations of the Court, the Registry is also ordered to reclassify ICC-02/04-01/15-1146-Conf-Exp as “confidential”.

Best,

Trial Chamber IX