

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 June 2016

TRIAL CHAMBER IX

Before:

**Judge Bertram Schmitt, Single Judge
Judge Péter Kovács
Judge Raul C. Pangalangan**

SITUATION IN UGANDA

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

PUBLIC

**Defence Response to the Observations on the Organisation of the Legal
Representation for the Victims**

Source: Defence for Dominic Ongwen

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor
Benjamin Gumpert, QC

Counsel for the Defence

Krispus Ayena Odongo
Chief Charles Taku

Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox

Common Legal Representative for Victims

Paolina Massidda
Jane Adong

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

Paolina Massidda

The Office of Public Counsel for the Defence

Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

Victims Participation and Reparations Section Other

I. INTRODUCTION

1. Pursuant to the oral Order by Trial Chamber IX ('Chamber') during the 23 May 2016 Status Conference,¹ the Defence for Dominic Ongwen ('Defence') hereby submits its collective response to the observations submitted by the Common Legal Representative for the Victims and Legal Representatives for the Victims on the organisation of the representation for Victim-Participants.
2. The Defence requests the Chamber to adopt the procedures set forth by the Office of Public Counsel for the Victims ('OPCV'), who are acting as the Common Legal Representatives for the Victims.

II. OBSERVATIONS

3. The Defence submits that the observations of the Common Legal Representative for the Victims should be adopted.² The OPCV has the legal and practical experience necessary to voice the opinions of the Victim-Participants in the case and instruct them as to their rights and participation. Its submissions outline a structural plan to keep the Victim-Participants, and future Victim-Applicants, apprised of the case at bar, which includes two (2) senior advocates, one (1) located primarily at the seat of the Court and the other, Ms Jane Adong, in the field.
4. Furthermore, the Defence submits that the Legal Representatives for the Victims' observations in filing ICC-02/04-01/15-455 appear to be nothing more than an attempt to re-litigate filing ICC-02/04-01/15-434-Corr, which was denied by the Chamber on 26 May 2016.³ Filing 455 offers little to the structural and practical matters that the Common Legal Representative for the Victims submitted.

¹ ICC-02/04-01/15-T-25-ENG, pg. 29:12-18.

² ICC-02/04-01/15-454.

³ See ICC-02/04-01/15-445.

5. Trial begins in less than six (6) months. The best interests of the victims would be to educate them as to the modalities which have been put in place by the Pre-Trial Chamber and the Chamber and to take instructions on their representation in Court. Undergoing a competitive process to select yet another legal representative would cause undue delay to the representation of the accepted and future Victim-Participants, not to mention add an unnecessary strain on the ICC's budget.
6. Finally, should the Chamber decide that the Victim-Participants need an appointed advocate that underwent a competitive hiring process, the Defence respectfully submits that Ms Jane Adong should take the lead role for the Victim-Participants. Ms Adong underwent a competitive hiring process. She speaks the local languages. She understands the local customs and traditions. She is experienced in the international legal system. The Victim-Participants would be blessed to have her advocate on their behalf.

III. CONCLUSIONS

7. The Defence respectfully request the Chamber to:
 - a. Adopt the structural plan outlined by the OPCV and
 - b. Dismiss the Legal Representatives for the Victims observations *in limine*.
8. In the alternative, if the Chamber decides it is necessary to appoint an advocate through a competitive process, the Defence asks the Chamber to appoint Ms Jane Adong as the new Common Legal Representative for the Victims for the reasons cited above in paragraph six (6).

Respectfully submitted,



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Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 13th day of June, 2016

At Kampala, Uganda