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No.: ICC-02/04-01/15  
Date: 26 September 2016

**TRIAL CHAMBER IX**

**Before: Judge Bertram Schmitt, Single Judge**

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

**Public**

**Decision concerning 300 Victim Applications and the Deadline for Submitting  
Further Applications**

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

**The Office of the Prosecutor**

Fatou Bensouda  
James Stewart  
Benjamin Gumpert

**Counsel for the Defence**

Krispus Ayena Odongo

**Legal Representatives of the Victims**

Joseph Akwenyu Manoba  
and Francisco Cox  
Paolina Massidda

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

**The Office of Public Counsel for the  
Defence**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

Isabelle Guibal

**Other**

**Judge Bertram Schmitt**, acting as Single Judge on behalf of Trial Chamber IX ('Single Judge' and 'Chamber', respectively), in the case of *The Prosecutor v. Dominic Ongwen* ('Ongwen case') having regard to Article 68(3) of the Rome Statute ('Statute'), Rules 85, 89 and 90 of the Rules of Procedure and Evidence ('Rules') and Regulations 80-81 of the Regulations of the Court, issues the following 'Decision concerning 300 Victim Applications and the Deadline for Submitting Further Applications'.

1. At the pre-trial stage, 2026 victims were admitted to participate in the proceedings.<sup>1</sup>
2. During the 23 May 2016 status conference, the Chamber stated that the procedure adopted by the Pre-Trial Chamber regarding victim applications remains in place during the present phase of the proceedings.<sup>2</sup>
3. On 30 May 2016, the Chamber instructed the Registry to transmit all victim applications to participate in the proceedings by 6 October 2016.<sup>3</sup>
4. On 2 September 2016, the Registry transmitted a report on applications to participate in the proceedings ('Report'), along with 300 victim applications for participation in the *Ongwen* case, and a chart containing the Registry's assessment of the applications against the requirement of Rule 85 of the Rules.<sup>4</sup>
5. On 19 September 2016, the Office of the Prosecutor ('Prosecution') filed its observations on the 300 victim applications for participation,<sup>5</sup> in which it states

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<sup>1</sup> Decision on contested victims' application for participation, legal representation of victims and their procedural rights, 27 November 2015, ICC-02/04-01/15-350; Second Decision on contested victims' applications for participation and legal representation of victims, 24 December 2015, ICC-02/04-01/15-384.

<sup>2</sup> Transcript of hearing on 23 May 2016, ICC-02/04-01/15-T-25-ENG, page 29, lines 23-24. *See also* Order Scheduling First Status Conference and Other Matters, 4 May 2016, ICC-02/04-01/15-432, para. 4.

<sup>3</sup> Decision Setting the Commencement Date of the Trial, 30 May 2016, ICC-02/04-01/15-449, paras 9-10 and page 7.

<sup>4</sup> First Report on Applications to Participate in the Proceedings, 2 September 2016, ICC-02/04-01/15-530, with 300 confidential *ex parte* annexes, 300 confidential redacted annexes, and one confidential annex (the filing was notified to the Chamber and the participants on 5 September 2016).

<sup>5</sup> Prosecution observations on 300 victim applications for participation, transmitted on 5 September 2016, 5 September 2016, ICC-02/04-01/15-536, para. 5.

that all the applicants meet the requirement for admission as victim participants in the case.<sup>6</sup> None of the applicants were identified as dual-status witnesses.<sup>7</sup> The defence for Mr Ongwen did not file any observations on the victim applications.

6. In accordance with the victim application procedure,<sup>8</sup> victims whose participation in the proceedings does not raise objections from either party within the relevant timeframe are admitted to participate in the proceedings.<sup>9</sup> Accordingly, the 300 applicants whose applications were transmitted by the Registry on 2 September 2016 and were not contested by the parties are automatically admitted as of 19 September 2016. Thus, 2326 victims have been admitted to participate in the proceedings as of now.
7. The Single Judge notes that, according to the Registry, 298 of the applicants stated that they are or would like to be represented in the proceedings by the Mr Joseph Manoba and/or Mr Francisco Cox ('legal representatives of victims' or 'LRVs').<sup>10</sup> The Registry states that it sent letters of acknowledgment of receipt of powers of attorney for these 298 victims to the LRVs.<sup>11</sup>
8. Victims a/06039/15 and a/06368/15 did not choose a counsel.<sup>12</sup> Following the approach taken in previous decisions, the Single Judge appoints Paolina Massidda from the Office of Public Counsel for Victims ('OPCV') as the common legal representative of these unrepresented victims admitted to participate in the case.
9. The Single Judge notes that in its Report, the Registry states that it had collected 2040 application forms to date and notes certain difficulties related to ensuring

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<sup>6</sup> ICC-02/04-01/15-536, para. 5.

<sup>7</sup> ICC-02/04-01/15-536, para. 6.

<sup>8</sup> Decision concerning the procedure for admission of victims to participate in the proceedings in the present case, 3 September 2015, ICC-02/04-01/15-299, para. 7.

<sup>9</sup> The relevant timeframe is 14 days from notification of the relevant applications.

<sup>10</sup> Report, ICC-02/04-01/15-530, para. 28.

<sup>11</sup> Report, ICC-02/04-01/15-530, para. 29.

<sup>12</sup> Report, ICC-02/04-01/15-530, para. 28.

the collection, processing, assessment, and transmission of the applications of interested victims by the 6 October 2016 deadline.<sup>13</sup> The Registry further states that it would continue to assess and transmit complete applications on a rolling basis.<sup>14</sup>

10. In order to ensure the timely transmission of the victim applications, the Single Judge instructs the Registry to transmit all victim applications by 6 October 2016, even if the Registry's assessment of the applications has not been completed. The Registry should indicate which transmitted applications have been verified as complete and assessed. For all applications un-assessed as of the 6 October deadline, the Registry is to finalise its assessments, and file the relevant assessment report in the record, by 7 November 2016. The Single Judge recalls that the parties are to submit their observations on the applications 14 days from the date of their notification. For applications filed on 6 October 2016 with no assessment report, the 14 day deadline shall run from the receipt of the assessment report.

**FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY:**

**APPOINTS** Paolina Massidda from the OPCV as the common legal representative of victims a/06039/15 and a/06368/15;

**ORDERS** the Registrar to notify the legal representatives of victims of the un-redacted applications for participation of the victims they represent;

**ORDERS** the Registry to transmit all collected victim applications by 6 October 2016; and

**ORDERS** the Registry to verify all victim applications as complete and assessed by 7 November 2016.

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<sup>13</sup> Report, ICC-02/04-01/15-530, paras 11-26.

<sup>14</sup> Report, ICC-02/04-01/15-530, para. 30.

Done in both English and French, the English version being authoritative.



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**Judge Bertram Schmitt, Single Judge**

Dated 26 September 2016

At The Hague, The Netherlands