

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **16 August 2017**

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Raul C. Pangalangan

SITUATION IN UGANDA

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

Public

Notification concerning the deaths of seven participating victims

Source: Legal Representatives of Victims

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

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Section****Other**

I. INTRODUCTION

1. The Legal Representatives of Victims (LRVs) make this submission in order to notify the chamber of the deaths of participating victims under their representation.
2. The LRVs every calendar month undertake field missions to inform and or consult with their clients located in and around the areas near to Abok, Lukodi and Odek where the participating victims reside. During recent field activities of this kind the LRVs became aware of the deaths of a number of their clients.

II. PROCEDURAL HISTORY

3. On the 27th November the Single Judge of Pre Trial Chamber II issued a decision in which he accepted victims to participate in the proceedings, recognised the appointment of the LRVs,¹ and prescribed the participatory rights² of participating victims (including the filing of submissions³).
4. On 24th December 2015, the Single Judge of Pre-Trial Chamber II admitted further victims to participate in the proceedings.⁴
5. On 16 December 2016, in response to the identification by the Registry of four participating victims who had submitted duplicate applications, Trial Chamber IX (“the Chamber”) issued its Order Concerning Four Victim Applications, which recognised these victims as represented by the LRVs.⁵
6. Following these decisions, the LRVs represented a total of 2605 of the victims participating in the present case. Of these, 2604 are natural persons and 1 is an organisation.

¹ Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights (Pre-Trial Chamber II, Single Judge), ICC-02/04-01/15-350, 27 November 2015, Para. 16.

² *Ibid.*, Para. 27.

³ *Ibid.*, Para. 33.

⁴ Second decision on contested victims’ applications for participation and legal representation of victims, ICC-02/04-01/15-384, 24 December 2015.

⁵ Order Concerning Four Victim Applications, ICC-02/04-01/15-639, 16 December 2016.

III. SUBMISSIONS

7. The LRVs recall the participatory rights of victims in proceedings as set out in article 68 of the Rome Statute, rules 85, 86, 87 and 89 of the Rules of Procedure and Evidence, and Regulation 86 of the Court.
8. The LRVs notify the Chamber that it has come to their attention that since January 2016 7 of the participating victims represented by the LRVs have died.
9. The 7 deceased persons are:
 - a/05007/15
 - a/05379/15
 - a/05491/15
 - a/06293/15
 - a/00430/16
 - a/00511/16
 - a/00532/16
10. The LRVs became aware of these deaths during the course of regular consultations, during which they met with the family members of the deceased victims. As the Chamber will no doubt be aware, within the affected communities in Northern Uganda, most deaths are not medically certified. Recognising this practical constraint, the LRVs have taken reasonable steps to informally verify the information provided to them, including by asking questions about the causes of the deaths and speaking with other community members including community leaders.
11. From the information provided to the LRVs it appears that all seven individuals died as a result of illness or injury. It does not appear that any of their deaths was suspicious or directly related to the subject matter of the present case .
12. The LRVs note that none of the deceased victims was a Prosecution witness (dual status individual) in the proceedings against Dominic Ongwen.

IV. LEGAL CONSEQUENCES OF THE DEATHS

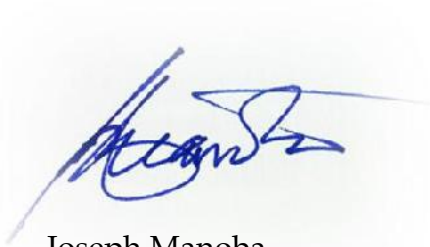
13. The LRVs consider that with the deaths of a/05007/15, a/05379/15, a/05491/15, a/06293/15, a/00430/16, a/00511/16 and a/00532/16 it is no longer possible for their “views and concerns” to be presented to the Court. They therefore consider that the participation of these victims in the proceedings has ended.
14. However the LRVs note that the death of a participating victim need not extinguish that person’s claim to reparations.⁶ Depending on the form of reparations which may ultimately be awarded under article 75, a family member may succeed to a deceased victims’ reparations entitlement (for example this would most clearly be the case where individual compensation was awarded). Since any entitlements to reparations, and their eventual form, are yet to be determined in this case, the LRVs submit that the requests for reparations made by a/05007/15, a/05379/15, a/05491/15, a/06293/15, a/00430/16, a/00511/16 and a/00532/16 should be treated as remaining extant.

V. RELIEF SOUGHT

15. The LRVs respectfully request that the Chamber recognize the deaths of a/05007/15, a/05379/15, a/05491/15, a/06293/15, a/00430/16, a/00511/16 and a/00532/16. The Chamber may wish to order the Registry to file an updated consolidated list of participating victims to reflect this.

⁶ See: *Prosecutor v Mathieu Ngudjolo Chui*, Decision on the participation of anonymous victims in the appeal and on the maintenance of deceased victims on the list of participating victims, ICC-01/04-02/12-140, 23 September 2013, footnote 48: The Appeals Chamber considered that the resumption of participation by a family member would be inappropriate, but noted that this was without prejudice to the possibility that a family member could succeed to a reparations claim.

16. The LRVs further respectfully request the Chamber to recognize that the reparations requests made by a/05007/15, a/05379/15, a/05491/15, a/06293/15, a/00430/16, a/00511/16 and a/00532/16 are not extinguished by their deaths and may be continued on their behalf by appropriate successors.



Joseph Manoba



Francisco Cox

Dated this 16th day of August 2017

At Kampala, Uganda and The Hague, Netherlands