

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/15
Date: 21 September 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

Urgent request for assurances under Rule 74 (3) of the Rules of Procedure and Evidence

Source: Karlijn van der Voort, Legal Advisor to Witness P-0233

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Benjamin Gumpert

Counsel for the Defence of Mr Dominic Ongwen

Mr Krispus Ayena Odongo

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox

**Unrepresented Applicants
(Participation/Reparation)**

Unrepresented victims

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Ms Caroline Walter
Mr Orchlon Narantsetseg

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Mr Esteban Peralta Losilla
Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Karlijn van der Voort

1. Prosecution witness P-0233 requests assurances under Rule 74 of the Rules of Procedure and Evidence (RPE). More in particular, this request is based on Rule 74(3)(c) of the RPE, where it reads:

“In the case of other witnesses, the Chamber may require the witness to answer the question or questions, after assuring the witness that the evidence provided in response to the questions:

- (i) Will be kept confidential and will not be disclosed to the public or any State; and
- (ii) Will not be used either directly or indirectly against that person in any subsequent prosecution by the Court, except under articles 70 and 71.”

2. As indicated in this Trial Chamber’s ‘Notification of the Appointment of Ms Karlijn van der Voort as Legal Adviser to Witness’, Doc. No. ICC-02/04-01/15-964 of 30 August 2017, issues of self-incrimination may arise in the course of the testimony of this witness, and pursuant to Rule 74(10), the Chamber has appointed a legal advisor to this witness.

3. On 29 November 2016, the Trial Chamber granted this witness certain in-court protective measures in its ‘Decision on the ‘Prosecution’s application for in-court protective and special measures’’, Doc. No. ICC-02/04-01/15-612-Red 30, as a result of which he will be referred to by a pseudonym, and face distortion will be used during his testimony in court.

4. However, due to the fact that this witness may raise issues of self-incrimination, we request that assurances be provided to him under Rule 74(3) RPE prior to commencing his testimony in court.

5. Therefore, and on the basis of Rule 74(9) RPE, we hereby request Your Chamber to provide the aforementioned assurances to Witness P-0233 prior to the commencement of his testimony in court.



Karlijn van der Voort, Legal Advisor to Witness P-0233

Dated this 21st September 2017, At The Hague, The Netherlands