

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: English

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

Date: 27 March 2018

**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***

**Confidential**

**Decision on Specific Locations and Further Directions for Judicial Site Visit**

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 Victims**

Joseph Akwenyu Manoba  
Francisco Cox  
Paolina Massidda

**Legal Representatives of 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**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**Trial Chamber IX** ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Dominic Ongwen*, having regard to Articles 64 and 69 of the Rome Statute and Rule 140 of the Rules of Procedure and Evidence, issues the following 'Decision on Specific Locations and Further Directions for Judicial Site Visit'.

1. On 13 October 2017, the Chamber decided that a site visit shall be carried out at the four charged crime scenes in this case (Pajule, Odek, Lukodi and Abok IDP Camps).<sup>1</sup> The Chamber indicated that '[m]ore detailed instructions with regard to the Site Visit will be provided at a later point in time'.<sup>2</sup>
2. The present decision contains these foreshadowed additional instructions.

**I. Dates and locations**

3. The Chamber has decided it shall visit the following locations in northern Uganda between 3 and 11 June 2018:
  - (i) **At all four sites:** Barracks,<sup>3</sup> trading centres, camp dwelling areas.
  - (ii) **Pajule:** Kitgum/Lira road, Pajule Mission, police station.
  - (iii) **Odek:** None beyond the locations common to all sites.
  - (iv) **Lukodi:** Unyama Bridge east of the camp site.
  - (v) **Abok:** Abok Primary School.
4. The Chamber notes that the parties have proposed additional locations beyond those selected.<sup>4</sup> The Chamber does not consider it strictly necessary for its judicial work to visit additional sites beyond those it has listed above.

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<sup>1</sup> Decision on Judicial Site Visit to the Republic of Uganda, ICC-02/04-01/15-1020-Conf ('13 October Decision').

<sup>2</sup> 13 October Decision, ICC-02/04-01/15-1020-Conf, para. 9.

<sup>3</sup> For Abok, this includes the site of both the 'old' and 'new' barracks at the time of the alleged attack.

## II. Directions for conduct of the site visit

5. The Chamber recalls that certain directions for the site visit have already been set, namely:
- (i) The accused will not attend the site visit, but his rights must be ensured by giving him opportunities to provide instructions to his counsel before the visit and to communicate with counsel during the visit, should the need arise.<sup>5</sup>
  - (ii) Two persons per party and one person per victims' team may accompany the Chamber on the site visit.<sup>6</sup>
6. The Chamber will now set out certain further directions below.<sup>7</sup> Issues left unaddressed in the present decision and which require intervention from the Chamber will be dealt with in the course of the site visit. These directions are as follows:
- (iii) The Chamber shall retain control over the conduct of the visit.
  - (iv) This site visit's confidentiality must be maintained to the extent possible. However, advance information about the site visit may be revealed when strictly necessary to ensure its preparation. For example, the Registry may seek assistance of community leaders to assist with the site visit as appropriate.

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<sup>4</sup> Defence Observations on a Judicial Site Visit, 16 June 2017, ICC-02/04-01/15-879-Conf; Prosecution Observations on a Judicial Site Visit, 16 June 2017, ICC-02/04-01/15-877-Conf (with confidential annex).

<sup>5</sup> 13 October Decision, ICC-02/04-01/15-1020-Conf, para. 8.

<sup>6</sup> 13 October Decision, ICC-02/04-01/15-1020-Conf, para. 9.

<sup>7</sup> Some of these directions were adopted by Trial Chamber II during its site visit. *See* Trial Chamber II, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Decision on the judicial site visit to the Democratic Republic of the Congo, 1 December 2011, ICC-01/04-01/07-3213-tENG (with annex; English translation notified 27 January 2012).

- (v) The Chamber shall be accompanied by two legal assistants during the site visit.
- (vi) The primary purpose of the site visit is judicial and not outreach. In this regard, the participants may not make any public statements during the course of the site visit without the Chamber's prior approval. The Chamber is disinclined to meet with or speak to any persons connected to the case during the site visit, including witnesses (or potential witnesses).<sup>8</sup>
- (vii) A representative of the Registry, a neutral organ of the Court, shall act as a guide by indicating the locations referred to in paragraph 3 above.
- (viii) The site visit will not be video-recorded in full, but the Registry shall prepare a report upon its completion which faithfully reflects what happened during the judicial activity. The Chamber will approve this report, subject to any necessary amendments, which must then be filed in the case record. The Chamber will take the site-visit – and the information in this report – into account when assessing the evidence in this case.<sup>9</sup>

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<sup>8</sup> For purposes of this direction, 'any persons connected to the case' does not include the Registry, parties or participants.

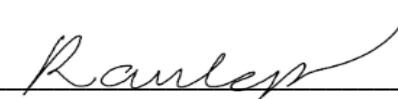
<sup>9</sup> In this regard, *see* Appeals Chamber, *The Prosecutor v. Mathieu Ngudjolo Chui*, Judgment on the Prosecutor's appeal against the decision of Trial Chamber II entitled "Judgment pursuant to article 74 of the Statute", 7 April 2015, ICC-01/04-02/12-271-Corr, para. 217.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**DECIDES** that the site visit shall be conducted between 3 and 11 June 2018;

**DETERMINES** the list of intended locations shall be those specified in paragraph 3 above; and

**ADOPTS** the aforementioned directions concerning the conduct of the site visit.

  
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Judge Bertram Schmitt, Presiding Judge  
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Judge Péter Kovács  
\_\_\_\_\_  
Judge Raul C. Pangalangan

Dated 27 March 2018

At The Hague, The Netherlands