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

Date: 15 March 2023

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN UGANDA

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

**Public
With
Confidential *Ex parte* Annexes 1 to 32
only available to the Defence and the Common Legal Representative of Victims,
and
Confidential *Ex parte* Annexes 33 to 65, only available to the Defence and the
Legal Representatives of Victims**

**Transmission to the Defence of 63 Redacted Victim Dossiers pursuant to Trial
Chamber IX Decision ICC-02/04-01/15-2027**

Source: Registry

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

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I. Introduction

1. On 16 January 2023, Trial Chamber IX (“Chamber”) issued a decision¹ in the case *The Prosecutor v. Dominic Ongwen* (“Case”) approving a sample of 205 victims’ dossiers previously assembled by the Registry’s Victims Participation and Reparations (“VPRS”). In that Decision, the Chamber further instructed the Registry, through the VPRS, to implement redactions to the victims’ dossiers and transmit them to the Defence.²

II. Procedural History

2. In the course of proceedings, the Registry transmitted applications for participation in the proceedings in redacted version to the Defence.³
3. On 21 November 2022, pursuant to the Chamber’s instructions conveyed by email of 16 November,⁴ the Registry submitted information regarding: 1) the total number of applications for participation and/or reparations received in the case; and 2) the total representation, within the applications received, regarding gender, age, and the main three groups of the victims of the case.⁵
4. On 16 December 2022, the Chamber issued its “Decision on the Registry Additional Information on Victims”, in which it instructed *inter alia*, the Registry, through the VPRS, to 1) extract from the universe of participating victims a random sample of

¹ Trial Chamber IX, “Decision on the Registry Transmission of List of Individuals and Relevant Information for Reparations Sample”, 16 January 2023, ICC-02/04-01/15-2027.

² Decision, para. 13 (c) and Disposition p.12.

³ Reference to the relevant Registry transmissions of redacted victims’ applications is made in Annexes 1 and 33.

⁴ Email from Trial Chamber IX to the VPRS, Parties and Trust Fund for Victims, 16 November 2022 at 15:01.

⁵ Registry, “Registry Additional Information on Victims”, dated 21 November 2022 and notified on 22 November 2022, ICC-02/04-01/15-2019. The Registry notes that the three groups consist in: (i) victims of the attacks at or near the Internally Displaced Persons (“IDP”) camps of Pajule, Odek, Lukodi, and Abok; (ii) victims of sexual and gender-based crimes; and (iii) victims of the crimes of conscription and use of child soldiers.

205 individuals (“Sample”);⁶ and 2) transmit to the Chamber the list of individuals to be included in the Sample as well as their details compiled in the Registry’s databases.⁷

5. On 9 January 2023, the Registry transmitted to the Chamber the aforementioned list of individuals included in the Sample as well as their details extracted from the VPRS database.⁸
6. On 16 January 2023, the Chamber issued the Decision in which it approved the Sample and instructed *inter alia* the legal representatives of victims in the Case⁹ to (1) contact the victims they represent and consult them as to whether they consent to their identities being disclosed to the Defence, and (2) inform the Defence and the VPRS about the victims’ consent, on a rolling basis and within thirty days from the notification of the Decision.¹⁰ Finally, the Chamber instructed the VPRS to review the redactions to the victims’ dossiers, in accordance with the criteria outlined in the Decision;¹¹ it further instructed VPRS to transmit, if applicable, lesser redacted victims’ dossiers to the Defence, on a rolling basis and within thirty days from the date it receives the information about the victims’ consent.¹²
7. On 27 January 2023, the VPRS transmitted to the CLR and the LRVs the dossiers of their respective clients who are included in the Sample, with proposed redactions, for their review and further indication of any redactions which could be lifted, in

⁶ As per the Chamber’s instructions, the Sample shall be constituted of: 92 victims from the Pajule IDP camp; 24 victims from the Odek IDP camp; 18 victims from the Lukodi IDP camp; 40 victims from the Abok IDP camp; and 31 victims from the thematic crimes.

⁷ Trial Chamber IX, “Decision on the Registry Additional Information on Victims”, 16 December 2022, ICC-02/04-01/15-2024, para 27 (c) and (d) and Disposition p. 16.

⁸ Registry, “Registry Transmission of List of Individuals and Relevant Information for Reparations Sample”, 9 January 2023, ICC-02/04-01/15-2026.

⁹ Respectively, the Common Legal Representative of Victims, *ie* Me Paolina Massidda of the Office of Public Counsel for Victims (“CLR”); and the Legal Representatives of Victims, Mes Joseph Akwenyu Manoba and Francisco Cox (“LRVs”); see for the denomination Trial Chamber IX, Trial Judgment, 4 February 2021, ICC-02/04-01/15-1762-Red, para. 19.

¹⁰ Decision, para. 13 (a) and (b) and Disposition p. 12.

¹¹ Decision, paras 10 to 12.

¹² Decision, para. 13 (c) and Disposition p. 12.

compliance with paragraphs 10 to 12 of the Decision, and following consultations with their clients.¹³

8. On 13 and 14 February 2023,¹⁴ the CLR informed the VPRS that victims who are part of the Sample and who are not dual status victims do not consent to the disclosure of their identities to the Defence.
9. The CLR further provided the VPRS with: 1) lesser redacted versions for 30 victims' dossiers,¹⁵ and 2) the Evidence Registration Number (ERN) of the lesser redacted versions of the victims' dossiers already in the possession of the Defence. Lastly, the CLR indicated that she approved the marked redactions as sent by the VPRS for the remainder of victims' dossiers.¹⁶
10. On 15 February 2023, the LRVs informed the VPRS of the following:¹⁷
 - 29 victims have consented to the disclosure of their identities to the Defence. The LRVs further provided the VPRS with lesser redacted versions of the relevant victims' dossiers;
 - 34 victims have not consented to the disclosure of their identities;
 - 22 victims could not be reached to give their views with regards to the disclosure of their identities, and for this reason the redactions should be maintained.¹⁸

¹³ Emails from VPRS to CLR and LRVs, dated 27 January 2023, at, respectively, 15:47 and 16:59. The redactions proposed by the VPRS correspond to the redactions applied to the victims' applications for participation transmitted to the Defence in the context of victims' admission in the proceedings, as referred at para. 2. See also Decision, para. 10.

¹⁴ Emails from CLR to VPRS, dated 13 February 2023 at 13:45 and 14 February 2023 at 11:57.

¹⁵ A duplicate of one application form already in the possession of the Defence in a lesser redacted version was identified by the VPRS. The dossier is therefore also transmitted in a consolidated lesser redacted version.

¹⁶ As referred to at paragraph 7. The dossiers' reference numbers, transmission filing numbers and ERN, when applicable, are listed in Annex 1.

¹⁷ Emails from the LRVs to VPRS, 15 February 2023, at 16:36, 17:20 and 17:51.

¹⁸ The LRVs informed the VPRS that out of these 22 victims, four victims had recently passed away, one victim has been hospitalized and 17 victims could not be reached by phone or at their previous locations of residence.

11. On 10 March 2023, the LRVs provided redacted versions of three dossiers which had recently been supplemented by documents relating to their resumption of action,¹⁹ and further informed the VPRS of the following:
- two additional victims, who had previously not been reached, did not object to the disclosure of their identities to the Defence;²⁰
 - four victims, who had previously not been reached, have declined to have their identities disclosed to the Defence.²¹
12. The LRVs further indicated that all current redactions shall be retained for all applications for participation for which the LRVs did not receive explicit individual consent from the victims in question, including victims who could not be reached to receive their consent and whose security and privacy remain paramount.²²
13. The VPRS proceeded thereon to prepare the redacted versions of the above mentioned 31²³ and 32²⁴ victims' dossiers, respectively.

III. Classification

14. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, and in accordance with the Decision, the annexes to this document are classified confidential *ex parte*, only available to the Defence and the CLR (for annexes 1 to 32), or confidential *ex parte*, only available to the Defence and the LRVs (for annexes 33 to 65).

IV. Applicable Law

15. The Registry submits the present filing in accordance with the Decision.

¹⁹ a/00038/16, a/00335/16 and a/00559/16.

²⁰ The LRVs further provided the VPRS with lesser redacted versions of the relevant victims' dossiers.

²¹ Email from LRVs to VPRS, 10 March 2023 at 17:42.

²² The dossiers' reference numbers and their respective transmission filing numbers are listed in Annex 33.

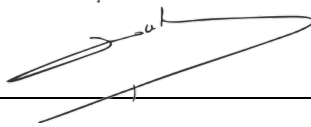
²³ This includes 30 dossiers in a lesser redacted version, and one dossier which is re-transmitted with a duplicate.

²⁴ This includes 31 dossiers in a lesser redacted version, and one dossier which is re-transmitted with newly received documents related to the resumption of action.

V. Transmission

16. The Registry hereby transmits

- A list containing the victims' reference numbers for which no additional redaction is lifted, with their corresponding filing number and ERN, where applicable (Annexes 1 and 33), available to the Defence and the respective common/legal representatives of victims;
- The lesser redacted versions of 63 victims' dossiers, available to the Defence and the CLR (Annexes 2-32), and the LRVs (Annexes 34-65), respectively.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 15 March 2023

At The Hague, the Netherlands