

**PUBLIC REDACTED  
VERSION OF  
ANNEX A**

## CONFIDENTIAL

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### Final Decision on Mr Ongwen's

**Request for Review addressed to the Registrar received 18 February 2021**

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#### Introduction

1. The present decision concerns a request by Mr Dominic Ongwen ("Complainant") to the Acting Chief Custody Officer ("Acting CCO"). The request deals with, *inter alia*, the issue of family visits via video calls ("Video Family Visits.")
2. In a complaint to the Acting CCO submitted on 26 January 2021 ("Complaint"),<sup>1</sup> the Complainant requested that the Acting CCO "[A]uthorise immediately video-calls for Mr Ongwen to his family at least once a month, but preferably twice a month."<sup>2</sup>
3. On 10 February 2021, the Acting CCO rejected the above request as moot ("Acting CCO's Decision"), stating that the Registry had already confirmed that a video-conferencing policy was forthcoming, and was therefore not being denied to the Complainant.<sup>3</sup>
4. On 18 February 2021, pursuant to regulation 219(1) of the Regulations of the Registry ("RoR"), the Complainant requested review of the Acting CCO's Decision ("Request for Review"), specifically that he "receive one video call per month to family members for 90 minutes," and that "the calls start by 26 February 2021 as ordered by Trial Chamber V in Yekatom & Ngaissona."<sup>4</sup>

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<sup>1</sup> Form 1.1, email from Defence of Mr. Ongwen to the Acting CCO, 26 January 2021, received at 16:42.

<sup>2</sup> Complaint, para. 30.

<sup>3</sup> Decision of the Acting Chief Custody Officer on the Complaint to the Acting CCO, 10 February 2021, para. 19.

<sup>4</sup> Request for Review, Form 2, para. 28.

5. On 5 March 2021, I issued the “Decision on Mr Ongwen’s Request for Review addressed to the Registrar received 18 February 2021” (“Initial Decision”). In that decision, I deferred my final decision pending the receipt of a feasibility assessment to be conducted by the Registry.<sup>5</sup>
6. Having received the feasibility assessment on 22 March 2021 (“Assessment”), and following consultations between the Country Office in the Republic of Uganda (“Uganda”) and the defence team of the Complainant, I now issue my final decision on the Request for Review, pursuant to regulation 219(3) of the RoR. As set out in detail below, my decision is to partially grant that request.

## **Discussion**

7. At the outset, I would like to reiterate that the Acting CCO’s Decision did not deny the Complainant’s request for Video Family Visits. It merely explained that the possibility was being considered for all detained persons, and that the request was therefore premature and moot.<sup>6</sup>
8. I have considered the Request for Review in the context of the detailed Assessment. Contrary to the Complainant’s assertion that Video Family Visits would require “minimal” additional resources,<sup>7</sup> the Assessment has shown that these Video Family Visits require significant staff, logistical and financial resources. In light of the fact that all detained persons will have the right to receive an equal number of Video Family Visits, the Request for Review, to the extent that it asks for monthly visits, cannot be granted. The resources of the Registry will allow such visits to take place approximately once every three to four months, for each detained person.
9. For the sake of completeness, I take this opportunity to inform the Complainant that the Registry is currently working on a policy document allowing for the

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<sup>5</sup> Initial Decision, para. 23.


<sup>6</sup> Acting CCO’s Decision, paras. 8 and 19.

<sup>7</sup> Request for Review, para. 18.

possibility of Video Family Visits for all detained persons. The current decision may be adjusted to accord with those terms.

## Decision

10. In light of the foregoing, I hereby decide to partially grant the Request for Review, such that:

- a. The Complainant will have one Video Family Visit approximately every three to four months.
- b. Each Video Family Visit will last approximately two hours.
- c. Up to five family members, including one adult, may be present at each visit.
- d. The Video Family Visits will be conducted in either  

- e. The Video Family Visits will be facilitated by the Country Office in Uganda and the Detention Section, in coordination with the defence team of the Complainant.
- f. The first Video Family Visit will take place on 8 April 2021 in Lira.



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Peter Lewis  
Registrar

7 April 2021

The Hague, the Netherlands