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No.: ICC-02/04-01/15  
Date: 30 November 2016

**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***

<p><b>Public</b> <b>With one confidential annex</b> <b>Consolidated list of victims admitted to participate in the proceedings</b></p>
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**Source: Registry**

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

**The Office of the Prosecutor**

Ms. Fatou Bensouda, Prosecutor  
Mr. James Stewart  
Mr. Benjamin Gumpert

**Counsel for the Defence**

Mr. Krispus Ayena Odongo

**Legal Representatives of Victims**

Mr. Joseph Akwenyu Manoba and  
Mr. Francisco Cox

**Legal Representatives of Applicants**

Ms. Paolina Massidda

**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**

Mr. Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr. Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms. Isabelle Guibal

**Other**

## I. Introduction

1. The Registry hereby submits to Trial Chamber IX ("Chamber") a consolidated list of victims admitted to participate in the *Prosecutor v. Dominic Ongwen* ("Ongwen case") in Annex 1.

## II. Procedural history

2. From 18 September to 7 December 2015, during the pre-trial stage of the proceedings, the Registry transmitted to Pre-Trial Chamber II and to the parties four separate reports on applications to participate in the proceedings,<sup>1</sup> following which 2,026 victims were admitted to participate at the confirmation of charges hearing.<sup>2</sup>
3. From 2 September to 6 October 2016, during the trial stage of the proceedings, the Registry transmitted to the Chamber and to the parties three separate reports on applications to participate in the proceedings,<sup>3</sup> following which 2,087 victims were admitted to participate in the proceedings.<sup>4</sup>

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<sup>1</sup> Registry, "[...] Report on Applications to Participate in the Proceedings", 18 September 2015, 26 October 2015, 18 November 2015 and 7 December 2015, respectively ICC-02/04-01/15-303 and ICC-02/04-01/15-304 and annexes; ICC-02/04-01/15-327 and annexes; ICC-02/04-01/15-344 and annexes; and ICC-02/04-01/15-365 and annexes.

<sup>2</sup> Pre-Trial Chamber II, "Decision on contested victims' applications for participation, legal representation of victims and their procedural rights", dated 27 November 2015, ICC-02/04-01/15-350 and Pre-Trial Chamber II, "Second decision on contested victims' applications for participation and legal representation of victims", 24 December 2015, ICC-02/04-01/15-384.

<sup>3</sup> Registry, "First Report on Applications to Participate in the Proceedings", dated 2 September 2016, notified on 5 September 2016, ICC-02/04-01/15-530 "Second Report on Applications to Participate in the Proceedings", dated 26 September 2016, notified on 27 September 2016, ICC-02/04-01/15-544 and "Third Report on Applications to Participate in the Proceedings", 6 October 2016, ICC-02/04-01/15-556.

<sup>4</sup> Trial Chamber IX, "Decision concerning 300 Victim Applications and the Deadline for Submitting Further Applications", 26 September 2016, ICC-02/04-01/15-543 and "Decision Concerning 610 Victim Applications (Registry Report ICC-02/04-01/15-544) and 1183 Victim Applications (Registry Report ICC-02/04-01/15-556)", 4 November 2016, ICC-02/04-01/15-586.

4. In its “Third Report on Applications to Participate in the Proceedings” (“Third Report”), the Registry transmitted 1,183 applications to participate in the proceedings.<sup>5</sup>
5. On 4 November 2016, the Chamber issued a decision concerning 1,793 Victim Applications<sup>6</sup> by which it ordered the Registry, *inter alia*, to file a consolidated list of victims admitted to participate in the proceedings, indicating both the total number of victims and, for each victim: (i) the alleged crimes of which they claim to be victims; (ii) the name of the legal representative(s); and (iii) when applicable, their code as Prosecution witnesses (“Order”).<sup>7</sup>

### III. Classification

6. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), the annex to this document is classified as “Confidential” since it contains sensitive information which may lead to the identification of the victims.<sup>8</sup>

### IV. Applicable Law

7. The Registry submits the present report in accordance with article 68(1) and (3) of the Rome Statute (“Statute”), rules 16, 85 and 89(1) of the Rules, regulation 86 of the RoC and regulations 105 to 109 and 123(1) of the

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<sup>5</sup> Registry, “Third Report on Applications to Participate in the Proceedings”, 6 October 2016, ICC-02/04-01/15-556.

<sup>6</sup> Trial Chamber IX, “Decision Concerning 610 Victim Applications (Registry Report ICC-02/04-01/15-544) and 1183 Victim Applications (Registry Report ICC-02/04-01/15-556)”, 4 November 2016, ICC-02/04-01/15-586.

<sup>7</sup> Trial Chamber IX, “Decision Concerning 610 Victim Applications (Registry Report ICC-02/04-01/15-544) and 1183 Victim Applications (Registry Report ICC-02/04-01/15-556)”, 4 November 2016, ICC-02/04-01/15-586, para. 17.

<sup>8</sup> Trial Chamber IX, “Decision on Disclosure of Victims’ Identities”, 17 June 2016, ICC-02/04-01/15-471, para. 12; Pre-Trial Chamber II, “Decision concerning the procedure for admission of victims to participate in the proceedings in the present case”, 3 September 2015, ICC-02/04-01/15-299, para. 6.

Regulations of the Registry (“RoR”), and in accordance with the Chamber’s Order.

## V. Submissions

8. The Registry submits that amongst the 1,183 applications transmitted to the Chamber and to the parties in its Third Report, four applications<sup>9</sup> have been recently identified as duplicates of applications transmitted at the pre-trial stage and admitted to participate in the proceedings.
9. The Registry further submits that, excluding the four duplicates mentioned above and after further verification of the legal representation of each application,<sup>10</sup> in the 1,179 new applications for participation submitted in its Third Report, 319 applicants nominated Mr. Joseph Manoba and/or Mr. Francisco Cox (“External Counsel”) and 4 applicants nominated the Office for Public Counsel for Victims (“OPCV”) as legal representatives, whilst 856 applicants have not appointed any counsel in their application form for participation in the proceedings.<sup>11</sup> Following its Third Report the Registry granted access to the CLR and the External Counsel to all the unredacted and redacted application forms of the victims they represent according to the above mentioned numbers.
10. The Registry notes, regarding one of the duplicates mentioned above,<sup>12</sup> that in application a/05713/15 the applicant did not designate a legal representative,

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<sup>9</sup> Application a/02035/16 is a duplicate of application a/06823/15. Application a/01972/16 is a duplicate of application a/06846/15. Application a/01917/16 is a duplicate of application a/06849/15. Application a/02155/16 is a duplicate of application a/05713/15.

<sup>10</sup> Applications a/02123/16 and a/02126/16 were initially assessed as not having had appointed counsel, however both applicants nominated Mr. Joseph Manoba and Mr. Francisco Cox.

<sup>11</sup> The Registry recalls the Single Judge’s decision to appoint counsel from the Office of Public Counsel for Victims as common legal representative (“CLR”) for victims participating in the proceedings who are currently unrepresented - see Pre-Trial Chamber II’s “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights”, dated 27 November 2015, ICC-02/04-01/15-350, para. 19.

<sup>12</sup> See para. 8 above.

whereas in the duplicate application form, a/02155/16, the applicant nominated External Counsel.

11. The Registry also notes that in application a/06910/15, that was transmitted at the pre-trial stage<sup>13</sup> and admitted to participate in the proceedings,<sup>14</sup> the applicant has not designated counsel, whereas in the duplicate application, a/01259/16,<sup>15</sup> External Counsel was appointed. The Registry informed the CLR and the External Counsel of the situation.

12. Additionally, the Registry submits that it has identified two instances where victims have submitted two application forms which were both transmitted at the pre-trial phase of this case and admitted to participate:

- Application a/05525/15 is a duplicate of application a/05499/15. Both applications have been transmitted<sup>16</sup> and admitted to participate in the proceedings<sup>17</sup> and in both application forms the applicant has not designated counsel. By a power of attorney completed on 29 September 2015, the applicant appointed External Counsel. To date, application a/05525/15 has been designated to the CLR and application a/05499/15 to External Counsel.
- Application a/05108/15 is a duplicate of application a/06250/15. Both applications have been transmitted at the pre-trial stage<sup>18</sup> and admitted to

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<sup>13</sup> Registry, "Fourth Report on Applications to Participate in the Proceedings", 7 December 2015, ICC-02/04-01/15-365.

<sup>14</sup> Pre-Trial Chamber II, "Second decision on contested victims' applications for participation and legal representation of victims", 24 December 2015, ICC-02/04-01/15-384.

<sup>15</sup> Application a/01259/16 had been identified as duplicate before the transmission to the Chamber and the parties, therefore, following established practice, it had not been transmitted.

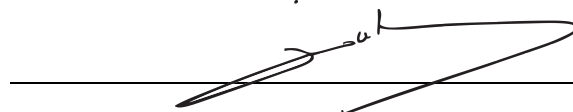
<sup>16</sup> Registry, "Third Report on Applications to Participate in the Proceedings", 18 November 2015, ICC-02/04-01/15-344.

<sup>17</sup> Pre-Trial Chamber II, "Second decision on contested victims' applications for participation and legal representation of victims", 24 December 2015, ICC-02/04-01/15-384.

<sup>18</sup> The applications were transmitted to the Chamber and to the parties in Registry's "Second Report on Applications to Participate in the Proceedings", 26 October 2015, ICC-02/04-01/15-327; and "Third Report on Applications to Participate in the Proceedings", 18 November 2015, ICC-02/04-01/15-344.

participate.<sup>19</sup> In application a/05108/15 no legal representative was designated, while in application a/06250/15 External Counsel was nominated.

13. Considering that out of the 4,113 victims admitted to participate in the proceedings six of the applications discussed in detail above are duplicate applications<sup>20</sup>, the Registry submits that a total number of 4,107 victims have been admitted to participate in the present case, out of which 2,601 victims are represented by External Counsel, 1,502 victims are represented by the OPCV and 4 victims<sup>21</sup> for whom legal representation needs to be further clarified.



Marc Dubuisson, Director, Division of Judicial Services

*per delegation of Herman von Hebel, Registrar*

Dated this 30 November 2016

At The Hague, The Netherlands

<sup>19</sup> Pre-Trial Chamber II, “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights”, 27 November 2015, ICC-02/04-01/15-350 and “Second decision on contested victims’ applications for participation and legal representation of victims, 24 December 2015, ICC-02/04-01/15-384.

<sup>20</sup> a/02035/16, a/01972/16, a/01917/16, a/02155/16, a/05525/15 and a/05108/15.

<sup>21</sup> a/05499/15, a/05713/15, a/06250/15 and a/06910/15.