

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 May 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

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

**URGENT
PUBLIC**

Defence Request for a New Date for the Upcoming Status Conference

Source: Defence for Dominic Ongwen

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor
Benjamin Gumpert, QC

Counsel for the Defence

Krispus Ayena Odongo

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for the Victims

The Office of Public Counsel for the Defence

Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

Patrick Craig

Victims Participation and Reparations Section Other

I. Introduction

1. On 23 April 2015, the Single Judge, His Honour Judge Cuno Tarfusser, order a status conference for 11 May 2015 at 09h30.¹ Due to pre-existing scheduling conflicts, the Single Judge changed the date of the status conference to 12 May 2015 at 09h30.²
2. Two days before the Single Judge ordered the Status Conference, Lead Counsel for Dominic Ongwen, Mr Krispus Ayena Odongo, applied for his long-term visa for the Netherlands. Counsel received his Note Verbale on 8 April 2015 and called to schedule his visit to the Dutch Embassy within the week, being given an appointment for 21 April 2015. Until the scheduling of the status conference, Counsel did not expect to travel to the Netherlands until the last week of May. The Defence already had an approved field mission in Uganda from 10 May until 23 May 2015.
3. Counsel visited the Dutch Embassy in Kampala on Wednesday, 6 May 2015. He was informed that his passport should be there by the next day.³ On the next day, Counsel went to the Embassy twice. The first time, he was informed that his passport was not there. He visited the Embassy the second time to get the contact information of someone that could tell him more concrete information as to the status of his visa and the location of his passport.
4. In the afternoon of 7 May 2015, Counsel received an email address from the Dutch Embassy for him to contact about his visa inquiries. Counsel sent an email to the address, receiving a reply around 80 minutes later which informed

¹ ICC-02/04-01/15-224, para. 8.

² See ICC-02/04-01/15-227 and ICC-02/04-01/15-228.

³ The person at the Embassy stated that based upon the time when Mr Ayena Odongo filed for the visa, not by any official means.

him that his visa was authorised that day and his passport would be sent in the morning.⁴

5. On 8 May 2015, Counsel Support Section reported to the Assistant to Counsel that Mr Ayena Odongo's passport would arrive in Kampala on either Monday or Tuesday of the next week.⁵

II. Request

6. As stated above, Counsel applied for his long-term visa before the Single Judge ordered the status conference. Additionally, Counsel requested an appointment at the Dutch Embassy around a week before it was scheduled. Even though he was not expecting to be in the Netherlands until after 23 May 2015, he filed it early to ensure less hassles. He followed the procedures instructed to him by Host State Affairs at the ICC. Counsel, owing to his status on the Defence, should have had his visa facilitated in an expedient manner. This does not appear to be the case.
7. Owing to the public holiday on Thursday, 14 May 2015, the Defence humbly requests the Single Judge to move the date of the status conference to 15 May 2015 at 09h30. This would ensure that even if the passport was delayed until Wednesday, Counsel would still arrive in The Hague on Thursday morning, a full day for the proposed date.
8. The Defence has consulted the Prosecution and understands that the Prosecution does not object to the proposed date.

⁴ See Confidential Annex A.

⁵ See Confidential Annex B.

Respectfully submitted,



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Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 8th day of May 2015

At Kampala, Uganda