

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 August 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge

SITUATION IN UGANDA

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

**Confidential
with Confidential Annex A**

**Prosecution implementation of an order made by the Pre-Trial Chamber in respect
of the testimony of Witnesses P-0226 and P-0227 under article 56 of the Rome
Statute**

Source: The Office of the Prosecutor

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Benjamin Gumpert

Counsel for Dominic Ongwen

Mr Krispus Ayena Odongo

Legal Representatives of Victims

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

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Victims Participation and Reparations Section

Other

Introduction

1. On 27 July 2015 the Single Judge exercising the function of the Pre-Trial Chamber ordered the Prosecution to inform the Chamber and the Defence, no later than 17 August 2015, of the documents it intends to use during the examination of each witness who will be giving testimony under the provisions of article 56 of the Rome Statute ("Statute") in September 2015.¹ The Prosecution hereby complies with that order.

Confidentiality

2. Pursuant to regulation 23*bis* of the Regulations of the Court, the Prosecution files this application as "confidential" for the reasons set out at paragraphs 3 and 4 of Prosecution filing 256.²

The Documents

3. The Prosecution does not intend that either witness should refer to any documents during the course of its examination of the witnesses. In respect of Witness P-0226 the Prosecution intends to elicit, by the asking of non-leading questions³ the essential factual material contained in paragraphs 13-122 of her statement of 4 June 2015⁴ and paragraphs 13-36 of her statement of 3 July 2015.⁵ In respect of Witness P-0227 the Prosecution similarly intends to elicit the essential factual material contained in paragraphs 13-129 of her statement of 31 May 2015.⁶

¹ ICC-02/04-01/15-277-Conf.

² ICC-02/04-01/15-256-Conf.

³ Unless the leave of the Chamber is secured to asking leading questions in respect of non-contentious matters.

⁴ UGA-OTP-0235-0235.

⁵ UGA-OTP-0236-0583.

⁶ UGA-OTP-0235-0125.

4. Should either witness be unable to recollect, during the examination, matters which they were able to recall at the time the statements were made the Prosecution will seek the Pre-Trial Chamber's permission to refresh the witness's memory from the relevant statements.
5. In addition to the statements identified above, the Prosecution notes that other documents, as set out in Annex A hereto, have been disclosed to the Defence as being potentially relevant to the examination of these witnesses. If the Defence questions either of the witnesses on the basis of these documents the Prosecution may seek the Pre-Trial Chamber's permission to present the relevant witness with the documents referred to and re-examine the witness in respect of the documents.



Fatou Bensouda,
Prosecutor

Dated this 17th day of August 2015
At The Hague, The Netherlands