



Original: English

No.: ICC-02/04-01/15
Date: 12 January 2016

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

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

Public

**Decision on the parties' requests to vary their respective time limits for
disclosure of evidence**

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Benjamin Gumpert

Counsel for the Defence

Krispus Ayena Odongo

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Joseph Akwenyu Manoba and Francisco Cox

Paolina Massidda

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

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The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Judge Cuno Tarfusser, Single Judge exercising the functions of the Chamber in the present case, issues this decision on the parties' requests to vary their respective time limits for disclosure of evidence on which they intend to rely for the purpose of the confirmation hearing.

1. The hearing on the confirmation of charges against Dominic Ongwen will commence on 21 January 2016. In accordance with rule 121(3) and (6) the list of evidence on which the Prosecutor and the Defence intend to rely for the purpose of the hearing was submitted on 21 December 2015 and 6 January 2016, respectively.

2. One item of evidence (UGA-OTP-0248-0524) which appears in the Prosecutor's list of evidence was however disclosed to the Defence only on 7 January 2016. The Prosecutor submits that the omission of this item from the disclosure package served on 21 December 2015 occurred in error, and requests the Single Judge to be authorised to rely on this item of evidence despite the late disclosure (ICC-02/04-01/15-394-Conf). The Prosecutor argues that the Defence is on notice as to the nature and content of the document in question and the requested extension of the time limit will cause no prejudice and will be in the interests of justice.

3. Similarly, the Defence requests authorisation to rely on an additional item of evidence, namely the statement of witness D26-0002, which is yet to be disclosed and does not feature in the Defence list of evidence filed on 6 January 2016 (ICC-02/04-01/15-390-Conf-Exp and Conf-Red). In particular, the Defence requests that the Single Judge vary the time limit by one week in relation to disclosing D26-0002's statement to allow the Defence to obtain the consent of this witness.

4. The Single Judge observes that the purpose of the time limits provided for by rule 121(3) and (6) of the Rules is to allow the parties to properly

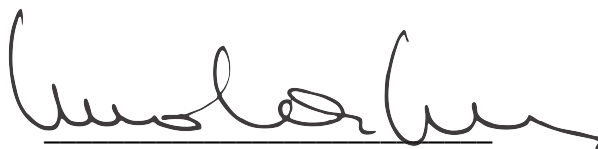
prepare for the confirmation hearing. In the present instances, the parties have informed the Single Judge, by way of email communication, that they do not object to each other's requests for extension of the relevant time limits. In light of this, and considering that the requested extensions concern a minimal amount of evidence, the Single Judge is of the view that it is in the interests of justice to grant the requests.

FOR THESE REASONS, THE SINGLE JUDGE

DECIDES to consider document UGA-OTP-0248-0524 as properly submitted for the purpose of the hearing on the confirmation of charges hearing; and

GRANTS the Defence request for extension of time until 13 January 2016 for the disclosure and insertion in its list of evidence under rule 121(6) of the Rules of the statement of witness D26-0002.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser
Single Judge

Dated this 12 January 2016

At The Hague, The Netherlands