



Original: English

No.: ICC-02/04-01/15
Date: 18 January 2016

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

SITUATION IN UGANDA

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

Public with Confidential Annexes A-K Prosecution's submission of visual aids and notification of evidence to be broadcast to the public
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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

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Counsel for Dominic Ongwen

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Legal Representatives of Victims

Mr Joseph Akwenyu Manoba

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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Defence**

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Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

Introduction

1. The Prosecution hereby submits the visual aids it will use during its presentation of evidence at the confirmation of charges hearing.
2. Furthermore, in these visual aids, the Prosecution informs the Chamber and the Parties that it intends to display to the public portions of evidence, currently classified in the record as “confidential”. The classification of this material shall, however, remain unchanged. There is no risk in displaying the selected portions of the visual aids outside of the courtroom.

Confidentiality

3. This filing is classified as “public”. Annexes A-K are classified as “confidential” because they include the identities of witnesses, the disclosure of which may endanger their safety and well-being.¹

Submissions

Visual aids

4. Visual aids will be used to explain previously disclosed evidence, whether it be documentary evidence, video evidence or witness statements. The majority of this material is generated from disclosed evidence, which is also listed in the Prosecution’s List of Evidence. In some instances, the Prosecution has employed presentational techniques, such as, *inter alia*, adding directional symbols, or utilised other explanatory devices.

¹ Article 68 of the Rome Statute and regulation 23bis of the Regulations of the Court.

5. To this end, visual aids will be displayed in the form of info-graphics, timelines, charts, slide-shows and audio-video material.
6. The Prosecution does not consider or rely on these visual aids as incriminatory evidence. Their purpose is to assist the court, and the public, in understanding the context of the crimes charged and evidence presented. The visual aids are attached to this filing as confidential annexes A to K.

Broadcasting of evidence

7. The Prosecution intends to display portions of evidentiary material to the public in the visual aids. Examples include segments of a witness statement, excerpts of LRA radio communications logbooks, or audio-video material. All of this material has been previously disclosed and is classified in the record as “confidential”.
8. In displaying these portions of evidence outside of the Courtroom, the Prosecution does not seek to re-classify the entirety of the material as “public”, as it would be in breach of the Prosecution’s obligations under article 68 of the Rome Statute to protect the well-being and safety of victims and witnesses. The evidence should therefore retain its “confidential” classification in the record.
9. The Prosecution submits that there is no risk in displaying the selected portions in the visual aids to the public. Their availability to the public will greatly enhance the understanding of the crimes charged against Dominic Ongwen.
10. Where necessary, measures have been taken to protect the confidentiality of victims and witnesses, through appropriate redactions and pixelation of images. Furthermore, as listed below, certain documents and images will not be displayed to the public.
11. The list of ERN’s to be used in the visual aids are broken down as follows:

Annex A:

Classified as "confidential" and to be broadcast to the public

UGA-OTP-0023-0008
UGA-OTP-0252-0352
UGA-OTP-0252-0353

Classified as "confidential" and to be broadcast only within the Courtroom to the Chamber
and the Parties and participants

None.

Annex B:

Classified as "confidential" and to be broadcast to the public:

UGA-OTP-0053-0092 at 0092
UGA-OTP-0197-2319 at 2319, 2321
UGA-OTP-0068-0146 at 0185
UGA-OTP-0197-0308 at 0310, 0459
UGA-OTP-0037-0002 at 0002
UGA-OTP-0054-0010 at 0010_01, 0010_02
UGA-OTP-0038-0065 at 0065, 0066
UGA-OTP-0017-0284 at 0284, 0287
UGA-OTP-0248-0328 at 0332
UGA-OTP-0248-0462 at 0500
UGA-OTP-0251-0835
UGA-OTP-0251-0836

Classified as "confidential" and to be broadcast only within the Courtroom to the Chamber
and the parties and participants:

UGA-OTP-0244-3338
UGA-OTP-0244-3325
UGA-OTP-0244-3328

Annex C:

Classified as "confidential" and to be broadcast to the public:

UGA-OTP-0232-0234 at 0477
 UGA-OTP-0248-0462 at 0499, 0500
 UGA-OTP-0248-0436 at 0442
 UGA-OTP-0132-0093 at 0102 & 0103
 UGA-OTP-0062-0002 at 0023
 UGA-OTP-0248-0524 at 0543-0546
 UGA-OTP-0197-2162 at 2303-2304
 UGA-OTP-0064-0093 at 0129-0130
 UGA-OTP-0197-2162 at 2308
 UGA-OTP-0197-1078 at 1085
 UGA-OTP-0197-0697 at 0780
 UGA-OTP-0163-0007 at 0170
 UGA-OTP-0228-4620-R01 at 4623.

Classified as "confidential" and to be broadcast only within the Courtroom to the Chamber and the parties and participants:

None.

Annex D:

Classified as "confidential" and to be broadcast to the public:

UGA-OTP-0239-0062, Track 2
 UGA-OTP-0248-0342 at 0370
 UGA-OTP-0248-0224 at 0252
 UGA-OTP-0064-0093 at 0122
 UGA-OTP-0066-0002 at 0038
 UGA-OTP-0061-0002 at 0098

Classified as "confidential" and to be broadcast only within the Courtroom to the Chamber and the parties and participants:

None.

Annex E:

Classified as "confidential" and to be broadcast to the public:

UGA-OTP-0252-0352
 UGA-OTP-0027-0198
 UGA-OTP-0238-0774
 UGA-OTP-0070-0036
 UGA-OTP-0247-1110
 UGA-OTP-0043-0131
 UGA-OTP-0197-1078

Classified as "confidential" and to be broadcast only within the Courtroom to the Chamber
 and the Parties and participants:

None.

Annex F:

Classified as "confidential" and to be broadcast to the public:

UGA-OTP-0252-0353
 UGA-OTP-0238-0731
 UGA-OTP-0241-0168 at 0172
 UGA-OTP-0248-0462 at 0499-0500
 UGA-OTP-0248-0328 at 0334
 UGA-OTP-0061-0206 at 0270
 UGA-OTP-0037-0002 at 0144
 UGA-OTP-0170-0034 at 0036
 UGA-OTP-0235-0038, Track 2

Classified as "confidential" and to be broadcast only within the Courtroom to the Chamber
 and the Parties and participants:

None.

Annex G:

Classified as "confidential" and to be broadcast to the public:

UGA-OTP-0037-0002 at 0102-0103
 UGA-OTP-0069-0048
 UGA-OTP-0023-0008
 UGA-OTP-0132-0077 at 0086-0087
 UGA-OTP-0132-0093 at 0102-0103

Classified as “confidential” and to be broadcast only within the Courtroom to the Chamber and the Parties and participants:

None.

Annex H:

Classified as “confidential” and to be broadcast to the public:

UGA-OTP-0252-0352
 UGA-OTP-0248-0057
 UGA-OTP-0248-0058
 UGA-OTP-0062-0002 at 0023
 UGA-OTP-0062-0002 at 0025
 UGA-OTP-0235-0049, Track 1
 UGA-OTP-0248-0106 at 0124, 0127
 UGA-OTP-0248-0524 at 0542, 0545

Classified as “confidential” and to be broadcast only within the Courtroom to the Chamber and the Parties and participants:

None.

Annex I:

Classified as “confidential” and to be broadcast to the public:

None.

Classified as “confidential” and to be broadcast only within the Courtroom to the Chamber and the Parties and participants:

None.

Annex J:

Classified as "confidential" and to be broadcast to the public:

None.

Classified as "confidential" and to be broadcast only within the Courtroom to the Chamber
and the Parties and participants:

UGA-OTP-0016-9062

UGA-OTP-0235-0227

Annex K:

Classified as "confidential" and to be broadcast to the public:

UGA-OTP-0065-0002 at 0049

Classified as "confidential" and to be broadcast only within the Courtroom to the Chamber
and the Parties and participants:

UGA-OTP-0165-0050

UGA-OTP-0244-3415

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Bensouda', is written over a horizontal line.

Fatou Bensouda,
Prosecutor

Dated this 18th day of January 2016
At The Hague, The Netherlands