

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 October 2016

TRIAL CHAMBER IX

Before:

**Judge Bertram Schmitt, Single Judge
Judge Péter Kovács
Judge Raul C. Pangalangan**

SITUATION IN UGANDA

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

Public

**Defence Request for a Hearing Pursuant to Rule 118(3) of the Rules of Procedure
and Evidence**

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
Chief Charles Achaleke Taku

Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox

Common Legal Representative for Victims

Paolina Massidda
Jane Adong

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

Paolina Massidda
Orchlon Narantsetseg
Caroline Walter

The Office of Public Counsel for the Defence

Xavier-Jean Keita

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

Patrick Craig
Harry Tjonk

Victims Participation and Reparations Section Other

I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby requests Trial Chamber IX ('Chamber') to hold the required annual hearing on pre-trial detention pursuant to Rule 118(3) of the Rules of Procedure and Evidence ('RPE').

II. PROCEDURAL HISTORY

2. On 21 January 2015, Mr Ongwen was transferred to the seat of the Court.
3. On 26 January 2015, Mr Ongwen made his initial appearance before the Court.
4. On 29 October 2015,¹ 14 March 2016² and 13 June 2016,³ the Defence requested interim release on behalf of Mr Ongwen.
5. On 27 November 2015,⁴ 23 March 2016⁵ and 21 July 2016,⁶ Mr Ongwen was denied interim release.
6. On 26 September 2016, the Single Judge of the Chamber requested any observations on the continued detention of Mr Ongwen.⁷

III. SUBMISSIONS

7. Pursuant to Rule 118(3) of the RPE, a hearing must be held once every year to discuss an Accused/Suspect's interim release/detention. Mr Ongwen has not received any such hearing since his initial appearance, and formally request to have this hearing.
8. During the hearing, the Defence will discuss, amongst possible other topics:

¹ ICC-02/04-01/15-332.

² ICC-02/04-01/15-416-Corr.

³ ICC-02/04-01/15-461.

⁴ ICC-02/04-01/15-349.

⁵ ICC-02/04-01/15-421.

⁶ ICC-02/04-01/15-503.

⁷ ICC-02/04-01/15-541.

- a. Issues relating to the Registrar renewing his search for a nation which would guarantee Mr Ongwen's appearance at trial;
 - b. Mr Ongwen's current restrictions whilst detained;
 - c. Mr Ongwen's medical needs; and
 - d. Issues relating to the translation of key decisions and documents for Mr Ongwen.
9. The Defence respectfully requests the Registrar, or a designated representative, to attend the conference.

IV. RELIEF

10. The Defence respectfully requests the Chamber to schedule a status conference as required by Rule 118(3) of the RPE.

Respectfully submitted,



.....
Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 7th day of October, 2016

At Kampala, Uganda