

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 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***

Confidential

**Defence Update to its Notification Pursuant to Rule 79(1)(b) 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

The Office of Public Counsel for the Defence

Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

Paddy Craig
Harry Tjonk

**Victims Participation and Reparations
Section Other**

I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby updates Trial Chamber IX, Parties and Participants as to the progress of its endeavours to determine the viability of an Article 31(1)(a) affirmative defence.

II. CONFIDENTIALITY

2. The Defence files this confidential pursuant to Regulation 23 *bis*(1) as it names potential witnesses which are not public. A public redacted version is filed concurrently.

III. NOTIFICATION

3. Professor Emilio Ovuga and Doctor Akena Dickens (collectively 'Experts') travelled to The Hague on 14 September 2016 for the purpose of examining Mr Ongwen to determine the viability of an Article 31(1)(a) affirmative defence. The Experts' returned home on 23 September 2016.
4. For reasons outside the control of the Defence or Experts, the Experts were not able to meet with Mr Ongwen during this entire period.
5. The Defence has met with CSS, and has scheduled another visit to The Hague from 31 October 2016 to 5 November 2016. The Defence shall be scheduling visitations to Mr Ongwen for the Experts for every day that week.
6. The Defence makes this notification at this time because it awaited notification from Dr Akena Dickens as to the arrival of his new visa and confirmation of their travel dates. The Defence was notified of the return of his passport with the visa on the evening of 12 October 2016, and confirmation of the dates on 18 October 2016.

Respectfully submitted,



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Hon. Krispus Ayena Odongo

On behalf of Dominic Ongwen

Dated this 20th day of October, 2016

At The Hague, Netherlands