

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/15
Date: 5 September 2017

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Raul C. Pangalangan

SITUATION IN UGANDA

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

**Public
with Confidential Annexes I and II**

**Notification of the Appointment of Mr Marcus Wagemakers as Legal Adviser
to Witness P-0045**

Source: Registry

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 Benjamin Gumpert

Counsel for the Defence of Mr Ongwen

Mr Krispus Ayena Odongo
Mr Charles Akeleke Taku

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox
Ms Paolina Massidda

**Unrepresented Applicants
(Participation/Reparation)**

Unrepresented victims

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Ms Caroline Walter
Mr Orchlon Narantsetseg

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Mr Esteban Peralta Losilla
Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Marcus Wagemakers

Introduction

1. The Registry hereby informs the Chamber of the appointment of Mr Marcus Wagemakers as Legal Adviser to Witness P-0045 (“Notification of Appointment”) pursuant to rule 74 (10) of the Rules of Procedure and Evidence (“Rules”), in replacement of Counsel Emile Aoun.¹

Classification

2. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), the annexes to the present submission are classified as confidential as they contain personal information and contact details of Mr Marcus Wagemakers.

Applicable Law

3. The Registry has considered the following provisions: article 68 of the Rome Statute, rules 21 and 74(10) of the Rules, regulations 67 and 69 of the RoC, regulation 123(1) of the Regulations of the Registry and, articles 5, 8 and 22(3) of the Code of Professional Conduct for Counsel (“Code”).

Submission

4. On 4 September 2017, the Registrar appointed Mr Marcus Wagemakers as the Legal Adviser to Witness P-0045.²
5. Mr Wagemakers was duly provided with electronic access to relevant material in connection with the case, including the statements and transcripts of

¹ Mr Aoun was appointed by the Registry as Legal Adviser to Witness P-0045 on 25 August 2017. See ICC-02/04-01/15-958. However, Mr Aoun has informed the Registry that due to conflicting schedules he was not in a position to assist Witness P-0045.

² Confidential Annex I.

interviews of Witness P-0045, *via* a secure channel in order to maintain confidentiality at all times.³

6. On 5 October 2016, Mr Wagemakers executed the solemn undertakings required by articles 5 and 22(3) of the Code.⁴

The Registrar remains at the disposal of the Chamber should further information be required.



Marc Dubuisson, Director of the Division of Judicial Services
per delegation of
Herman von Hebel, Registrar

Dated this 5th September 2017
At The Hague, The Netherlands

³ Annex to the “Decision on the protocol on witness familiarisation”: *Protocol on the practices to be used to familiarise witnesses for giving testimony at trial*, ICC-01/04-02/06-656-AnxA, dated 17 June 2015, paras 59 to 64, *spec.* para. 60.

⁴ Confidential Annex II.