

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **14 December 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 *ex parte* Annex A available to
Trial Chamber IX, Defence, Prosecution, CLRV, LRV and VWU only
Defence Submission of its Provisional List of Witnesses and Estimated Examination
Times**

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
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Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox

Common Legal Representative for Victims

Paolina Massidda
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The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

Amicus Curiae

REGISTRY

Registrar

Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

I. INTRODUCTION

1. Pursuant to Decisions ICC-02/04-01/15-1021 and ICC-02/04-01/15-1074, the Defence for Dominic Ongwen ('Defence') hereby submits its current provisional list of witnesses for the Defence's case-in-chief, along with provisional estimates of examination times by the Defence.

II. CONFIDENTIALITY

2. Pursuant to Regulation 23(1) of the Regulations of the Court, the Defence submits Annex A as confidential *ex parte*, Trial Chamber IX, Prosecution, Common Legal Representative for Victims, Legal Representative for Victims and the Victim and Witnesses Unit only as it contains the names of witnesses whom the Defence shall be requesting protective measures.

III. BACKGROUND

3. On 13 October 2017, Trial Chamber IX ('Chamber') issued Decision ICC-02/04-01/15-1021. The Chamber ordered the Defence to submit a provisional list of witnesses by 14 December 2017. The Chamber also requested the Defence to provide an estimated time for its examination of each witness.
4. On 27 October 2017, the Defence requested the Chamber to provide further directions for the schedule provided for in Decision ICC-02/04-01/15-1021.¹ The Chamber rejected the request on 16 November 2017.²

IV. SUBMISSIONS

5. The Defence hereby submits its provisional list of witnesses, attached as Confidential *ex parte* Annex A, to the parties and participants listed on page two of this document.
6. To better aid the preparation of the Victims and Witnesses Unit, the Defence has included a column which states whether the Defence, at this time, envisions requesting protective measures for a witness's testimony.

¹ ICC-02/04-01/15-1029-Red.

² ICC-02/04-01/15-1074.

7. To better aid the preparation of the Registry, the Defence has included a column which states whether the Defence, at this time, envisions requesting the submission of witness statements through Rule 68(2)(b).
8. To better aid the preparation of the Counsel Support Section, the Defence shall be liaising with the Counsel Support Section to inform it of the number of witnesses it intends to request Rule 74 assurances, and thus, a Rule 74 counsel.
9. The Defence stresses that this list is provisional and nature, and the Defence estimates that 20 more witnesses shall be placed on the Defence's list before the final list is due. The Defence, over the past two months, has been meeting with its witnesses to ensure that each person is still willing to testify, and filling out the proper forms required by the Victims and Witnesses Unit, some of which shall be submitted to VWU during the week of 18 December 2017.
10. Finally, the Defence notes that the list is not arranged in the intended order of appearance. It is listed in order of the witness code.

V. CONCLUSION

11. Pursuant to Decision ICC-02/04-01/15-1021, the Defence submits its provisional list of witnesses and estimated time of the examinations for the witnesses.

Respectfully submitted,



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Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 14th day of December, 2017

At Gulu, Uganda