

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

Nº: ICC-02/04-01/15

Date: 12 February 2018

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN UGANDA

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

Public

With public Annexes I to XXXI

**Registry's Second Report on the Evidence recognised as formally submitted to the
Chamber**

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 James Stewart
Mr Benjamin Gumpert

Counsel for the Defence

Mr Krispus Ayena Odongo
Mr Charles Achaleke Taku

Legal Representatives of the Victims

Mr Joseph Akwenu Manoba
Mr Francisco Cox

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

I. Introduction

1. The Registry submits the present report and its 31 annexes consisting of items recognised as formally submitted as evidence ("Report"), pursuant to the "Initial Directions on the Conduct of the Proceedings" ("Directions"),¹ issued on 13 July 2016 by Trial Chamber IX ("Chamber").

II. Procedural history

2. On 13 July 2016, the Presiding Judge issued the Directions which adopted, among other guidelines, provisions related to the submission of evidence by email.² The Registry was directed to file in the record of the case reports indicating which items have been formally submitted by all participants in relation to each witness who testifies.³
3. On 14 August 2017, the twenty-fifth Trial Witness testified.⁴ A further 30 witnesses testified between this date and 19 January 2018.
4. With the exception of P-45 through whom no items of evidence were submitted,⁵ The Chamber recognised as formally submitted certain items of evidence at the request of the parties.⁶ Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails and annex these to the filing.⁷

¹ Trial Chamber IX, "Initial Directions on the Conduct of the Proceedings", 13 July 2016, ICC-02/04-01/15-497.

² *Ibid.*, par. 27 - 30.

³ *Ibid.*, par. 28(v).

⁴ Transcript of 14 August 2017, ICC-02/04-01/15-T-95-Red-ENG.

⁵ Annex V - Notification in Absence of Submitted Materials for P-45.

⁶ *Ibid.*, par. 28 (iv).

⁷ *Ibid.*, par. 28(v).

III. Applicable Law

5. For the purpose of the present submission, the Registry has considered *inter alia* articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

IV. Submission

6. In order to enable the parties and the participants to suggest specific additional redactions, the Registry followed the procedure that was adopted for the purposes of the "Registry's Report on implementing the 'Decision on Publicity of the Court Record'".⁸
7. Hence, the Registry liaised with the Office of the Prosecutor, the Defence, the Office of Public Counsel for Victims and the Legal Representatives of Victims by email.⁹ Redaction proposals were received and considered.¹⁰
8. Accordingly, the Registry applied redactions to emails set forth in the following 31 annexes:

- **Annex I:** email sent on 23/08/2017, "Decision on Submitted Materials for P-189" at 15:16;

- **Annex II:** email sent on 24/08/2017, "Decision on Submitted Materials for P-355" at 11:56;

- **Annex III:** email sent on 20/09/2017, "Decision on Submitted Materials for P-245" at 09:43;

⁸ Registry, "Registry's Report implementing the 'Decision on Publicity of Case Record'", 22 March 2017, ICC-02/04-01/15-780.

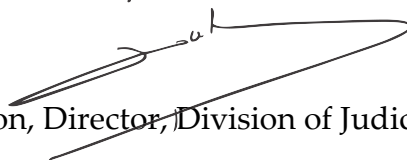
⁹ Emails sent by the Registry Courtroom Officer on 2 February 2018 at 12:30 and 12:32.

¹⁰ The Registry received answers respectively from the Prosecution team, on 6 February 2018 at 10:31; from the OPCV on 6 February 2018 at 15:02; and from the Defence on 6 February 2018 at 16:28.

- **Annex IV:** email sent on 19/09/2017, "Decision on Submitted Materials for P-340" at 11:37;
- **Annex V:** email sent on 19/09/2017, "Notification in Absence of Submitted Materials for P-45" at 11:40;
- **Annex VI:** email sent on 27/09/2017, "Decision on Submitted Materials for P-70" at 09:38;
- **Annex VII:** email sent on 27/09/2017, "Decision on Submitted Materials for P-97" at 14:20;
- **Annex VIII:** email sent on 03/10/2017, "Decision on Submitted Materials for P-359" at 13:19;
- **Annex IX:** email sent on 04/10/2017, "Decision on Submitted Materials for P-233" at 13:48;
- **Annex X:** email sent on 04/10/2017, "Decision on Submitted Materials for P-172" at 13:49;
- **Annex XI:** email sent on 12/10/2017, "Decision on Submitted Materials for P-47" at 14:25;
- **Annex XII:** email sent on 13/10/2017, "Decision on Submitted Materials for P-38" at 11:15;
- **Annex XIII:** email sent on 13/10/2017, "Decision on Submitted Materials for P-81" at 15:08;
- **Annex XIV:** email sent on 13/10/2017, "Decision on Submitted Materials for P-256" at 15:19;
- **Annex XV:** email sent on 08/11/2017, "Decision on Submitted Materials for P-138" at 09:08;
- **Annex XVI:** email sent on 13/11/2017, "Decision on Submitted Materials for P-231" at 09:13;
- **Annex XVII:** email sent on 15/11/2017, "Decision on Submitted Materials for P-275" at 10:05;

- **Annex XVIII:** email sent on 16/11/2017, "Decision on Submitted Materials for P-67" at 12:01;
- **Annex XIX:** email sent on 16/11/2017, "Decision on Submitted Materials for P-396" at 12:14;
- **Annex XX:** email sent on 29/11/2017, "Decision on Submitted Materials for P-242" at 12:53;
- **Annex XXI:** email sent on 30/11/2017, "Decision on Submitted Materials for P-351" at 17:10;
- **Annex XXII:** email sent on 04/12/2017, "Decision on Submitted Materials for P-306" at 09:47;
- **Annex XXIII:** email sent on 05/12/2017, "Decision on Submitted Materials for P-286" at 11:43;
- **Annex XXIV:** email sent on 05/12/2017, "Decision on Submitted Materials for P-304" at 11:47;
- **Annex XXV:** email sent on 05/12/2017, "Decision on Submitted Materials for P-339" at 11:49;
- **Annex XXVI:** email sent on 05/12/2017, "Decision on Submitted Materials for P-125" at 11:54;
- **Annex XXVII:** email sent on 08/12/2017, "Decision on Submitted Materials for P-414" at 14:52;
- **Annex XXVIII:** email sent on 08/12/2017, "Decision on Submitted Materials for P-293" at 14:55;
- **Annex XXIX:** email sent on 08/12/2017, "Decision on Submitted Materials for P-6" at 14:57;
- **Annex XXX:** email sent on 31/01/2018, "Decision on Submitted Materials for P-250" at 11:57; and

- **Annex XXXI:** email sent on 31/01/2018, "Decision on Submitted Materials for P-145" at 12:05

A handwritten signature in dark ink, appearing to read 'Dubuisson', is written over the printed name.

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

Dated this 12 February 2018

At The Hague, The Netherlands