

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: 17 April 2018

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 A and B
Submission to the Chamber in relation to Anticipated Evidence of Witnesses
V-0001, V-0002, V-0003 and V-0004**

Source: Legal Representatives of Victims

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

Mr Krispus Ayena Odongo
Mr Charles Achaleke Taku

Legal Representatives of the Victims

Mr Joseph Akwenyu Manoba and
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
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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. PROCEDURAL HISTORY

1. On 6 March 2018, the Chamber issued its decision authorising the presentation of evidence by Legal Representative of Victims (“LRVs”) and OPCV.¹ In this decision the Chamber ordered LRVs and OPCV to provide within one week after the Prosecution’s formal notice that it concluded its evidence presentation, *inter alia*, certification that all necessary witness information forms have been completed and provided to the Victims and Witnesses Unit (“VWU”).² The Chamber also ordered the LRVs to disclose to the Defence, by the same deadline, Acholi translation of the anticipated testimony summaries and of the victim-witnesses’ applications for victim participation.³
2. On 13 March 2018, by email, the Chamber modified the original deadline indicating that the LRVs and OPCV should provide the above listed information by 5 April 2018.⁴
3. On 5 April 2018, the LRVs filed their Information to the Chamber following the Chamber’s decision authorising the presentation of evidence by LRVs and OPCV.⁵
4. On 5 April 2018, the LRVs provided to the Chamber, *inter alia*, their final List of Witnesses. The LRVs also confirmed to the Chamber that they completed all necessary witness information forms for all witnesses, except for witness V-0001, and provided them to the VWU on 12 March 2018. The LRVs informed the

¹ Decision on the Legal Representatives for Victims Requests to Present Evidence and Views and Concerns and related requests (Trial Chamber IX), no. ICC-02/04-01/15-1199-Conf, 6 March 2018. Public redacted version of the decision was filed on the same day, ICC-02/04-01/15-1199-Red.

² *Ibid.*, para. 79.

³ *Ibid.*, para. 80.

⁴ E-mail from Trial Chamber IV sent on 13 March 2018 at 16:55.

⁵ Information to the Chamber Pursuant to the Decision on Legal Representatives of Victims’ Request to Present Evidence, ICC-02/04-01/15-1218 +Conf-AnxA, 5 April 2018.

Chamber that they intend to provide witness information form for witness V-0001 to the VWU on 6 April 2018.⁶

5. At the same time the LRVs informed the Chamber that the summaries of expected witness testimonies for witnesses V-0001, V-0002, V-0003 and V-0004 will be provided to the parties, the OPCV and to the Chamber by e-mail, following the practice of the Prosecution.⁷
6. On 5 April 2018, the LRVs sent English language versions of expected witness testimony summaries for witnesses V-0001, V-0002, V-0003 and V-0004 to the Chamber, the parties and to the OPCV.⁸ Given information received from the Language Services Section (“LSS”), the LRVs indicated in this communication that they would provide Acholi translations of these summaries on 6 April 2018, that is, when they received those from the LSS.⁹
7. On 6 April 2018, the LRVs filed their Communication of the Disclosure of Evidence.¹⁰
8. On 6 April 2018, the LRVs sent to the Chamber, to the parties and to the OPCV, Acholi translations of the anticipated evidence of witnesses V-0002, V-0003 and V-0004 and a translation of the anticipated evidence of witness V-0001.¹¹ The LRVs noted that they were informed by the LSS that final translation of anticipated evidence of witness V-0001, due to the complexity of the terminology, would be finalised by 10 April 2018. The LRVs sent to the Chamber, the parties and to the OPCV the final translation of the anticipated evidence of witness V-0001 on 9 April 2018.¹²

⁶ Information to the Chamber Pursuant to the Decision on Legal Representatives of Victims’ Request to Present Evidence, ICC-02/04-01/15-1218 +Conf-AnxA, 5 April 2018, para. 6.

⁷ *Ibid.*, para. 11.

⁸ E-mail from the LRVs sent on 5 April 2018 at 16:02.

⁹ *Ibid.*

¹⁰ Legal Representatives of Victims’ Communication of the Disclosure of Evidence, Public with Confidential Annex A, ICC-02/04-01/15-1220 +Conf-AnxA.

¹¹ E-mail from the LRVs sent on 6 April 2018 at 18:29.

¹² E-mail from the LRVs sent on 9 April 2018 at 17:40

9. On 12 April 2018, the Chamber directed the LRVs to file the above mentioned summaries of anticipated testimony for witnesses V-0001, V-0002, V-0003 and V-0004, together with Acholi translations thereof, into the case record.¹³

II. CONFIDENTIALITY

10. Pursuant to regulation 23*bis* of the Regulations of the Court, the LRVs file Annexes A and B confidentially because they contain information which would reveal the identities of the LRVs' witnesses and parts of the evidence that these witnesses are expected to present before the Chamber.

III. INFORMATION PROVIDED TO THE CHAMBER

11. In compliance with the Chamber's directions of 12 April 2018, the LRVs hereby file into the record of the case summaries of anticipated testimony of witnesses V-0001, V-0002, V-0003 and V-0004 contained in Confidential Annex A and Acholi translations of these summaries in Confidential Annex B.
12. Further, the LRVs would also like to inform the Chamber that the witness information form for witness V-0001 has been completed and was provided to the VWU on 6 April 2018.

Respectfully submitted.



Joseph A. Manoba
Legal Representatives for Victims



Francisco Cox

Dated this 17th day of April 2018

At Kampala, Uganda and at Santiago, Chile

¹³ Two e-mails from Trial Chamber IX sent on 12 April 2018 at 10:07 and at 11:21.