

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **23 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 *Ex Parte* Annexes A-G Trial Chamber IX and Defence Only
AND Confidential Annex H
AND Confidential Redacted Annexes A-F**

Defence Addendum to Submission 1232

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
Beth S. Lyons

Legal Representatives of the Victims

Joseph Manoba
Francisco Cox

Common Legal Representative for Victims

Paolina Massidda
Jane Adong

Unrepresented Victims

**Unrepresented
(Participation/Reparation)**

Applicants

The Office of Public Counsel for Victims

Paolina Massidda
Orcholon Narantsetseg
Caroline Walter

States' Representatives

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

Xavier-Jean Keita

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

I. INTRODUCTION

1. Pursuant to Trial Chamber IX's order on 19 April 2018,¹ the Defence Team for Dominic Ongwen ('Defence') hereby files this addendum to Defence submission "Defence Request for a Deadline Extension." ('Submission 1232').² The requested items are attached as confidential *ex parte* annexes A-G.
2. The Defence apprises Trial Chamber IX, the Prosecution and Legal Representatives that UGA-D26-0018-2120 and UGA-D26-0018-2121 are being released today to Trial Chamber IX in unredacted form *via* eCourt. These are the chain-of-custody forms provided to the Defence when it received most of the documents listed on pages 6-7 in Confidential *Ex Parte* Annex C. The Defence highlights, as it did in paragraph 34 of Submission 1232, that not all the documents requested were delivered.³ Redacted versions of UGA-D26-0018-2120 and UGA-D26-0018-2121 are being supplied to the Prosecution and Legal Representatives *via* eCourt today, and disclosure *via* Ringtail at the Prosecution's earliest convenience.
3. The Defence also includes Confidential Annex F. The material contained within this annex was not directly discussed in Submission 1232, but it is highly pertinent to the submission. The contents of Confidential Annex F were received and sent on 20 April 2018, and directly relate to the Defence's sixth's RFA discussed in paragraphs 19, 37 and 52 of Submission 1232. The Defence notes that the External Operations and State Cooperation Unit refused to send the sixth RFA to the Government of the Republic of Uganda, further hindering the Defence's ability to conduct proper investigations and violating Mr Ongwen's fair trial rights pursuant to Articles 64(2), 67(1)(e), 86 and 93(1)(e) of the Rome Statute and Rule 20(1)(b) of the Rules of Procedure and Evidence.

II. CONFIDENTIALITY

4. Pursuant to Regulation 23 *bis*(2) and Trial Chamber IX's email on 19 April 2018,⁴ the Defence files this addendum as public. Annexes A-G are filed as confidential *ex parte* Trial Chamber IX and Defence only as material within the annexes details investigation details not yet known to

¹ Email from Trial Chamber IX to the Parties and Participants, entitled "Order for Additional Details in Relation to Request 1232," received on 19 April 2018 at 13h14 CET.

² ICC-02/04-01/15-1232-Conf-Exp and ICC-02/04-01/15-1232-Conf-Red.

³ The Defence requested 45 documents, and only 40 documents were provided to the Defence by the Government of the Republic of Uganda.

⁴ *Supra*, fn. 1.

the Prosecution and not disclosable. Confidential redacted versions of Annexes A-F are filed concurrently. Annex H is filed confidential.

5. A confidential redacted version of Confidential *Ex Parte* Annex G is not filed concurrently as the formatting of the document could identify the material within it, and thus lead the Prosecution to understand the nature of RFA for which it relates. The Defence humbly requests Trial Chamber IX's indulgence with this single annex and that for the time being, it remain confidential *ex parte* Trial Chamber IX and Defence only.

Respectfully submitted,



.....
Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 23rd day of April, 2018

At Lira, Uganda