

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **8 June 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

Supplement to ‘Defence Request to Introduce Previously Recorded Testimony Pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence’ (ICC-02/04-01/15-1271-Conf)

Source: Defence for Dominic Ongwen

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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James Stewart, Deputy Prosecutor
Benjamin Gumpert, QC

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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**Victims Participation and Reparations Other
Section**

I. INTRODUCTION

1. On 4 June 2018, the Defence submitted its ‘Defence Request to Introduce Previously Recorded Testimony Pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence’¹ (‘Request’). The Request did not specify the evidence reference number’s (‘ERN’) with respect to the witnesses referred to in the Request. For greater clarity and assistance to the Prosecution and participants, the Defence hereby provides the specific ERNs of the witness statements with respect to the Request made.
2. The Defence does not object to a request from the Prosecution or Legal Representatives for victims for an additional seven days to prepare their responses to the Request with this new information, thus conforming to the Presiding Judge’s emailed decision of 5 June 2018 at 12h30 CET.²
3. Finally, the Defence notes that a simple search on Ringtail or eCourt using the “Related to witness” category displays all the records listed below, and as such, this supplement poses no prejudice to the Prosecution.

II. NOTICE

4. With respect to the request in paragraph 16 related to D-0008, the documents referred to are UGA-D26-0004-0003 and UGA-D26-0010-0307. The witness statement was disclosed prior to the Confirmation of Charges Hearing. The photograph was disclosed on 4 June 2018.
5. With respect to the request in paragraph 16 related to D-0012, the document referred to is UGA-D26-0010-0336. This document was disclosed prior to the Confirmation of Charges Hearing.
6. With respect to the request in paragraph 17 related to D-0019, the documents referred to are UGA-D26-0010-0352 and UGA-D26-0010-0367. The witness statement was disclosed prior to the Confirmation of Charges Hearing. The signature plate was disclosed on 4 June 2018.

¹ ICC-02/04-01/15-1271-Conf.

² Email from Trial Chamber IX to Parties and Participants on 5 June 2018 at 12h30 CET, entitled “Shortening of Response Deadline for ICC-02/04-01/15-1270-Conf and ICC-02/04-01/15-1271-Conf”.

7. With respect to the request in paragraph 17 related to D-0020, the documents referred to are UGA-D26-0010-0382 and UGA-D26-0010-0380. The witness statement was disclosed prior to the Confirmation of Charges Hearing. The signature plate was disclosed on 4 June 2018.
8. With respect to the request in paragraph 18 related to D-0034, the documents referred to are UGA-D26-0022-0385, UGA-D26-0023-0048 and UGA-D26-0023-0049. These documents were disclosed on 4 June 2018.
9. With respect to the request in paragraphs 19-21 related to D-0049, the Defence is in the process of having the witness sign her statement. It shall be disclosed at the earliest opportunity after it is signed.
10. With respect to the request in paragraphs 19-21 related to D-0050, the documents referred to are UGA-OTP-0131-0002-R01 and UGA-OTP-0025-0097. The first document has been in the possession of the Prosecution since February 2005 and the second document was disclosed on 4 June 2018.
11. With respect to the request in paragraph 22 related to D-0077, the document referred to is UGA-D26-0022-0316. This document was disclosed to the Prosecution on 4 June 2018.
12. With respect to the request in paragraphs 23-26 related to P-0028, the documents referred to are UGA-OTP-0217-0054-R01, UGA-OTP-0217-0075-R01, UGA-OTP-0217-0100-R01, UGA-OTP-0217-0125-R01, UGA-OTP-0217-0148-R01, UGA-OTP-0217-0171-R01, UGA-OTP-0217-0192-R01, UGA-OTP-0217-0218-R01, UGA-OTP-0217-0266-R01, UGA-OTP-0217-0287-R01, UGA-OTP-0217-0305-R01 and UGA-OTP-0217-0327-R01. These interviews have been in the possession of the Prosecution since October 2004.

III. CONCLUSION

13. The Defence hereby submits this supplement to the Request to streamline the proceedings. The Defence does not object to any possible requests for an extension of time of seven days to submit responses to the Request and this supplement by the Prosecution or Legal Representatives for Victims.

Respectfully submitted,



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Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 8th day of June, 2018

At Lira, Uganda