

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

Nº: ICC-02/04-01/15

Date: 23 July 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 XXI

**Registry's Third 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

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

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 21 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 22 January 2018, the fifty-sixth Trial Witness testified.⁴ A further 20 witnesses testified between this date and 24 May 2018.
4. With the exception of P-85 and V-2 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

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.

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

² *Ibid.*, para. 27 - 30.

³ *Ibid.*, para. 28(v).

⁴ Transcript of 22 January 2018, ICC-02/04-01/15-T-145-Red-ENG.

⁵ Respectively Annex IX - Notification in Absence of Submitted Materials for P-85 and Annex XV - Notification in Absence of Submitted Materials for V-2.

⁶ Directions, para. 28 (iv).

⁷ *Ibid.*, par. 28(v).

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 21 annexes:
 - **Annex I:** email sent on 08/02/2018, “Decision on Submitted Materials for P-200” at 10:18;
 - **Annex II:** email sent on 09/02/2018, “Decision on Submitted Materials for P-366” at 14:27;
 - **Annex III:** email sent on 09/02/2018, “Decision on Submitted Materials for P-372” at 14:30;
 - **Annex IV:** email sent on 09/02/2018, “Decision on Submitted Materials for P-374” at 14:54;
 - **Annex V:** email sent on 09/02/2018, “Decision on Submitted Materials for P-410” at 15:06;
 - **Annex VI:** email sent on 09/02/2018, “Decision on Submitted Materials for P-307” at 15:08;
 - **Annex VII:** email sent on 08/03/2018, “Decision on Submitted Materials for P-406” at 10:19;

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 July 2018 at 17:19 and 17 July 2018 at 16:54.

¹⁰ The Registry received answers respectively from the Defence on 2 July 2018 at 17:48 and 19 July 2018 at 17:51; from the OPCV on 4 July 2018 at 16:00; from the Prosecution team on 10 July 2018 at 09:56 and 20 July 2018 at 09:57; and from the Legal Representatives of Victims on 10 July 2018 at 18:14 and 19 July 2018 at 18:06.

- **Annex VIII:** email sent on 12/03/2018, "Decision on Submitted Materials for P-448" at 16:56;
- **Annex IX:** email sent on 12/03/2018, "Notification in Absence of Submitted Materials for P-85" at 16:59;
- **Annex X:** email sent on 12 March 2018, "Decision on Submitted Materials for P-209" at 17:02;
- **Annex XI:** email sent on 27/03/2018, "Decision on Submitted Materials for P-446" at 09:54 and email sent on 03/04/2018, "Addendum to Decision on Submitted Materials for P-446" at 10:13;
- **Annex XII:** email sent on 03/04/2018, "Decision on Submitted Materials for P-187" at 10:19;
- **Annex XIII:** email sent on 06/04/2018, "Decision on Submitted Materials for P-445" at 10:04;
- **Annex XIV:** email sent on 18/04/2018, "Decision on Submitted Materials for P-447" at 09:24;
- **Annex XV:** email sent on 04/05/2018, "Notification in Absence of Submitted Materials for V-2" at 11:50;
- **Annex XVI:** email sent on 14/05/2018, "Decision on Submitted Materials for V-3" at 15:05;
- **Annex XVII:** email sent on 23/05/2018, "Decision on Submitted Materials for V-4" at 09:56;
- **Annex XVIII:** email sent on 23/05/2018, "Decision on Submitted Materials for V-1" at 09:59;
- **Annex XIX:** email sent on 24/05/2018, "Decision on Submitted Materials for PCV-1" at 15:12;
- **Annex XX:** email sent on 25/05/2018, "Decision on Submitted Materials for PCV-2" at 09:33 and,

- **Annex XXI:** email sent on 30/05/2018, "Decision on Submitted Materials for PCV-3" at 12:51.



p.p. Marc Dubuisson, Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 23 July 2018

At The Hague, The Netherlands