



Original : English

N°: ICC-02/04-01/15

Date: 24 July 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 Public Redacted Annex**

**Public Redacted Version of “Registry’s Report on Mr Ongwen’s personal items
kept in the Registry’s vault”**

Source: Registry

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 Dominic Ongwen

Mr Krispus Ayena Odongo
Mr Charles Achaleke Taku

Legal Representatives of the Victims

Mr Joseph Akwenu Manoba
Mr Francisco Cox
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Ms Caroline Walter
Mr Orchlon Narantsetseg

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. Upon Trial Chamber IX's email instruction,¹ the Registry hereby submits its observations on the "Defence Request to Order the Registry to Disclose and Transmit Certain Materials" ("Request" and "Defence", respectively).²

II. Procedural history

2. On 20 January 2015, at the time of his voluntary surrender, certain items belonging to Mr Ongwen were taken off him prior to his transfer to the International Criminal Court and they were sealed in an evidence bag.³
3. On 6 February 2015, the Registry filed its [REDACTED], specifying the items that were taken off Mr Ongwen.⁴ The Registry further submitted that it [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. On 18 June 2015, particulars related to the sealed evidence bag and the associated chain of custody form ("CoC" form) were registered in the vault system, unique vault location numbers assigned to each and thereafter placed in the Registry's vault.⁶
5. On 13 July 2018 the Defence confirmed to the Registry that it was requesting for the items to be handed over to them.⁷ This would entail a transfer of custody of the items to the Defence, with no return of these to the Registry Vault.

¹ Email from Trial Chamber IX to Defence for Mr Ongwen and the Registry on 10 July 2018 at 14:53.

² Defence for Mr Ongwen, "Defence Request to Order the Registry to Disclose and Transmit Certain Materials", 10 July 2018, ICC-02/04-01/15-1302-Conf-Exp.

³ *Ibid.*

⁴ [REDACTED]
[REDACTED]

⁵ [REDACTED]

⁶ See Annex to present Report, "Registry's custody of items collected from Mr Ongwen and pictures of the sealed bag and CoC".

⁷ Email from the Defence to the Registry on 13 July 2018 at 15:25.

III. Classification

6. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court the present submissions and its annex are classified confidential *ex parte* only available to the Defence because it refers to a request and report⁸ with the same classification. The classification of the annex is further justified because it contains information related to staff members involved in the collection of the items.

IV. Applicable law

7. The following provisions are of particular relevance to the present submissions: rules 13(1), 15(2) and 20(1) of the Rules of Procedure and Evidence, regulations 15, and 19(4) of the Regulations of the Registry.

V. Submissions

8. The Registry reiterates its previous submission and stands ready to either “transmit” the requested items to the defence or facilitate their inspection at the seat of the Court, should the Chamber decide so.
9. In the interest of time, the Registry submits in annex to the present report a brief outline of the collection and pictures of the sealed bag and CoC:

- **Annex:** “Registry’s custody of items collected from Mr Ongwen and pictures of the sealed bag and CoC.”



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

Dated this 24 July 2018

At The Hague, The Netherlands

⁸

[REDACTED]