

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: **ICC-02/04-01/15**
Date: **25 February 2019**

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 Annex A

**Defence Response to Prosecution's Request for Disclosure of the Third Report by
Defence Experts**

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 Lyons

Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox

Common Legal Representative for Victims

Paolina Massidda
Jane Adong

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

Paolina Massidda
Caroline Walter
Orchlon Narantsetseg

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**

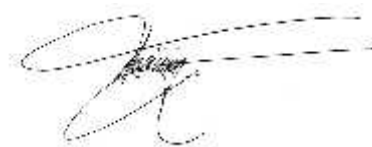
I. SUBMISSIONS

1. The Defence for Dominic Ongwen ('Defence') requests that the Trial Chamber IX ('Trial Chamber') dismiss the 'Prosecution's Request for Disclosure of the Third Report by Defence Experts' ('Request')¹ for the following reasons.
2. The Defence reiterates that it does not intend to use this item as evidence for the purposes at trial at this point. The item was intended only for informational purposes and to assist the Registry to make any further arrangements it deems fit under Regulation 103 of the Regulations of the Court. Therefore, it does not fall under the Defence disclosure obligations under Rule 78 of the Rules of Procedure and Evidence.
3. As per the Trial Chamber's instructions,² should the Defence seek to use the information in this item for any future relief sought, it will make this item available to the parties and participants.

II. RELIEF SOUGHT

4. For the reasons set out above, the Defence respectfully requests that the Trial Chamber reject the Request.

Respectfully submitted,



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

Dated this 25th day of February, 2019

At The Hague, Netherlands

¹ *Ongwen* case, Prosecution's Request for Disclosure of the Third Report by Defence Experts, ICC-02/04-01/15-1446-Conf.

² See, Confidential Annex A.