

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/15
Date: 30 September 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 Annexes I - III**

Registry Transmission of the Declarations made by Witnesses P-28, D-20 and D-34, pursuant to rule 68(2)(b) of the Rules of Procedure and Evidence

Source: Registry

Document 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 Mr Dominic Ongwen

Mr Krispus Ayena Odongo

Legal Representatives of the Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox
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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Thomas Henquet (Registry Legal
Office)

I - Introduction

1. Following Trial Chamber IX ("Chamber")'s "Decision on Defence Request to Introduce Previously Recorded Testimony Pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence",¹ the Registry hereby transmits documentation in relation to the prior recorded testimony of witnesses P-28, D-20 and D-34.
2. This transmission is made in accordance with Trial Chamber IX's "Decision on the Prosecution's Applications for Introduction of Prior Recorded Testimony under Rule 68(2)(b) of the Rules ("Decision").²
3. This transmission is also made in accordance with rule 20(1)(b) of the Rules of Procedure and Evidence, in light of the Registry's obligation to provide support and assistance to defence counsel – specifically to facilitate the Chamber's order of 21 August 2019 for all parties and participants to file any request related to evidence by 30 September 2019.³ On 10 September 2019, the Chamber reiterated its order to file any other request related to evidence within the 30 September 2019 deadline.⁴

II - Classification

4. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court, the annexes to the present submission are classified "confidential" because they refer to

¹ Trial Chamber IX, "Decision on Defence Request to Introduce Previously Recorded Testimony Pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence", 2 July 2018, ICC-02/04-01/15-1294.

² Trial Chamber IX, "Decision on the Prosecution's Applications for Introduction of Prior Recorded Testimony under Rule 68(2)(b) of the Rules", 18 November 2016, ICC-02/04-01/15-596-Red, para. 222.

³ Trial Chamber IX, "Order Setting a Deadline for Evidence Related Requests", 21 August 2019, ICC-02/04-01/15-1570, para. 7.

⁴ Trial Chamber IX, "Decision on Defence Request for Variation of the 30 September Deadline", 10 September 2019, ICC-02/04-01/15-1591, para. 10.

meetings between a witness and a Registry staff member that are not known to the public.

III - Submission

5. In accordance with the Decision and rule 68(2)(b) of the Rules of Procedure and Evidence, the Registry Legal Counsel delegated his authority to an Associate Legal Officer from the Victims Participation and Reparations Section ("Witnessing Officer") to witness the declarations related to the witnesses' statements. The Witnessing Officer did so on 23, 24 and 25 September 2019.
6. Accordingly, the Registry transmits the following documents :

Annex I: Declaration of Witness P-28; and

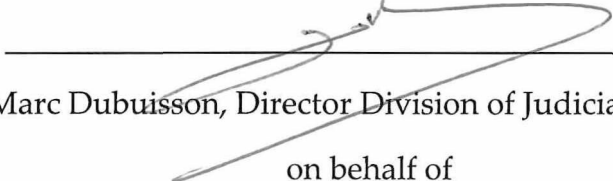
Attestation of the Witnessing Officer with respect to Witness P-28;

Annex II: Declaration of Witness D-20; and

Attestation of the Witnessing Officer with respect to Witness D-20;

Annex III: Declaration of Witness D-34; and

Attestation of the Witnessing Officer with respect to Witness D-34



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

Dated this 30 September 2019

At The Hague, the Netherlands