

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/15
Date: 8 November 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

Victims' Response to "Defence Request to Add Three Items to its List of Evidence"

Source: Legal Representatives of Victims

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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Mr Benjamin Gumpert

Counsel for the Defence

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Legal Representatives of the Victims

Mr Joseph Akwenyu Manoba and
Mr Francisco Cox

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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States' Representatives

Amicus Curiae

REGISTRY

Registrar

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Legal Representatives for Victims (the “LRVs”) respectfully request Trial Chamber IX (the “Chamber”) to dismiss the “Defence Request to Add Three Items to its List of Evidence” (“Request”) ¹. The LRVs concur with the Prosecution that the Request is made out of time and the Defence has failed to convincingly argue why the time limit should be extended.² Furthermore the LRVs hold that the addition of this material will cause prejudice to victims for the reasons outlined below.

II. SUBMISSIONS

2. The Defence seeks the leave of the Chamber to add three items to the list of evidence: UGA-D26-0015-1395 (“Complex Post Traumatic Stress Disorder article”); UGA-D26-0015-1410 (“Criminal Responsibility article”); and UGA-D26-0015-1418 (“PTSD article”).
3. The LRVs agree with the Prosecution that the nature of the items do not warrant their inclusion into the list of evidence.³ Furthermore, the LRVs are similarly of the opinion that there exist no grounds for extending the time limit afforded to the Defence to submit items into the Defence list of evidence.⁴
4. The Defence states that, “the timing of the request and the nature and amount of material to be added cause no prejudice to the Prosecution and Victims.”⁵ The LRVs disagree with this assertion.
5. The Complex Post Traumatic Stress Disorder is a condition that has not been mentioned by the Defence Experts to date, and submitted material has solely

¹ ICC-02/04-01/15-1654.

² ICC-02/04-01/15-1657, para. 1.

³ ICC-02/04-01/15-1657, paras 2-4.

⁴ For the sake of expediency, the LRVs do not aim to repeat the arguments made by the Prosecution in detail.

⁵ Request, para. 2(c).

focused on Dissociation, Depression, Post-Traumatic Stress Disorder (“PTSD”), Dissociative Amnesia and Obsessive Compulsive Disorder.

6. As stated by the Prosecution⁶, requiring the Chamber to now consider an additional condition that Dominic Ongwen may have been suffering from at the time of the alleged crimes, would necessarily require further litigation and detailed written evidence from both the Defence and the Prosecution. Failure to do so would cause significant prejudice to the victims participating in this case.

IV. RELIEF SOUGHT

7. For the reasons outlined above, the LRVs respectfully request the Chamber dismiss the Defence Request.

Respectfully submitted,



Joseph A. Manoba



Francisco Cox

Dated this 8th day of November 2019

At Kampala, Uganda and at Santiago, Chile

⁶ ICC-02/04-01/15-1657, para. 12.