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N°: ICC-02/04-01/15
Date: 14 November 2019

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge

SITUATION IN UGANDA

IN THE CASE OF *THE PROSECUTOR v. DOMINIC ONGWEN*

**Public
With public Annexes I to XIV**

**Registry's Sixth Report on the Evidence recognised as formally submitted to the
Chamber**

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

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits the present report and its 14 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 04 April 2019, the Defence called its twenty-fourth witness.⁴ A further 14 witnesses testified between this date and 05 July 2019.
4. With the exception of D-66, D-117, D-118, D-83, D-76, D-113, D-68, D-88 and D-110 through whom no items of evidence were submitted,⁵ the Chamber recognised as formally submitted certain items of evidence at the request of the

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

² *Ibid.*, paras 27 – 30.

³ *Ibid.*, para. 28(v).

⁴ Transcript of 04 April 2019, ICC-02/04-01/15-T-213-RT-ENG.

⁵ Respectively Annex I Notification in Absence of Submitted Materials for D-66, Annex II Notification in Absence of Submitted Materials for D-117, Annex III Notification in Absence of Submitted Materials for D-118, Annex IV Notification in Absence of Submitted Materials for D-83, Annex VI Notification in Absence of Submitted Materials for D-76, Annex VIII Notification in Absence of Submitted Materials for D-113, Annex IX Notification in Absence of Submitted Materials for D-68, Annex XIII Notification in Absence of Submitted Materials for D-88 and Annex XIV Notification in Absence of Submitted Materials for D-110.

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.

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 14 annexes:

⁶ Trial Chamber IX, “Initial Directions on the Conduct of the Proceedings”, 13 July 2016, ICC-02/04-01/15-497.

⁷ *Ibid.*, para. 28(v).

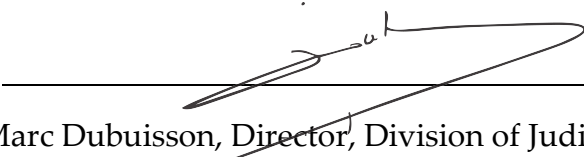
⁸ Registry, “Registry’s Report implementing the ‘Decision on Publicity of Case Record’”, 22 March 2017, ICC-02/04-01/15-780.

⁹ Emails sent by the Registry Courtroom Officer on 02 October 2019 at 11:09.

¹⁰ The Registry received no further proposals for redactions from the Legal Representatives of Victims on 11 October 2019 at 15:10. The Registry received proposals for further redactions to Annex VII from the Prosecution on 14 October 2019 at 16:05. The Defence disputed the majority of the redaction requests raised by the Prosecution on 16 October 2019 at 09:37. Trial Chamber IX decided upon the disputed redactions by way of email on 29 October 2019 at 16:31.

- **Annex I:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for D-66" at 14:58;
- **Annex II:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for D-117" at 14:58;
- **Annex III:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for D-118" at 14:58;
- **Annex IV:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for D-83" at 14:58;
- **Annex V:** email sent on 19/07/2019, "Decision on Submitted Materials for D-139" at 14:58;
- **Annex VI:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for D-76" at 14:58;
- **Annex VII:** email sent on 19/07/2019, "Decision on Submitted Materials for D-81" at 14:58;
- **Annex VIII:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for D-113" at 14:59;
- **Annex IX:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for D-68" at 14:59;
- **Annex X:** email sent on 19/07/2019, "Decision on Submitted Materials for D-75" at 14:59;
- **Annex XI:** email sent on 19/07/2019, "Decision on Submitted Materials for D-25" at 14:59;
- **Annex XII:** email sent on 19/07/2019, "Decision on Submitted Materials for D-56" at 14:59;

- **Annex XIII:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for for D-88" at 14:59; and
- **Annex XIV:** email sent on 19/07/2019, "Notification in Absence of Submitted Materials for for D-110" at 14:59.



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

Dated this 14 November 2019

At The Hague, The Netherlands