

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: **ICC-02/04-01/15**

Date: **25 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 with Confidential Annex A

Defence Notification of Disclosure of Rule 78 Material

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. NOTIFICATION

1. The Defence for Dominic Ongwen ('Defence') hereby notifies Trial Chamber IX, Prosecution and Legal Representatives that the Defence disclosed one (1) item to the Prosecution on 21 November 2019 and seven (7) items to the Prosecution on 25 November 2019.
2. The item disclosed on 21 November 2019 was UGA-D26-0015-1219-R01. The document was circulated *via* official filing on 3 May 2019 in ICC-02/04-01/15-1506-Conf-AnxA. It was an oversight by the Defence and it offers its deepest apologies for the mistake of not uploading it into the eCourt system.
3. Two items are translations of items which were denied in the Defence's Bar Table Motion as the items lacked translations. The first translation, UGA-D26-0026-0791, is a translation of Item 15 from the Defence's Bar Table Motion, UGA-D26-0015-0323. The second translation, UGA-D26-0026-0795, is a translation of Item 190 from the Defence's Bar Table Motion, UGA-OTP-0026-0090.
4. Three items are documents which the Defence may use during its examination of rebuttal witness UGA-OTP-P-0447. Two items are documents which the Defence may use during its examination of the possible rejoinder witness UGA-D26-P-0042.
5. Annex A is designated confidential as the annex contains internal communication of disclosure between the Defence and the Prosecution.

Respectfully submitted,



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Hon. Krispus Ayena Odongo

On behalf of Dominic Ongwen

Dated this 25th day of November, 2019

The Hague, Netherlands