

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: **ICC-02/04-01/15**
Date: **26 February 2021**

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 Addendum to “Defence request to submit additional evidence for Trial Chamber IX’s determination of the sentence”, filed on 26 February 2021 as ICC-02/04-01/15-1783-Conf

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

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

Unrepresented Victims**Unrepresented Applicants
(Participation/Reparation)****The Office of Public Counsel for Victims**

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States' Representatives**The Office of Public Counsel for the
Defence**

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Amicus Curiae**REGISTRY****Registrar**

Peter Lewis

Counsel Support Section**Victims and Witnesses Unit**

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Detention Section**Victims Participation and Reparations
Section****Other**

I. INTRODUCTION

1. On 26 February 2021, the Defence for Dominic Ongwen ('Defence') filed the "Defence request to submit additional evidence for Trial Chamber IX's determination of the sentence" ('Request').¹ About one hour after filing the Request, the Defence received a statement from Ker Kwaro Acholi for mitigation on behalf of Mr Ongwen. The Defence humbly asks that Trial Chamber IX ('Chamber') accept this addendum to the Request made earlier today and accepts the submission of the attached annex from Ker Kwaro Acholi.
2. The Defence shall stamp, upload and disclose this item tomorrow during the day after the ICC system is completed with maintenance. It shall bear the ERN UGA-D26-0015-1901.

II. CONFIDENTIALITY

3. Pursuant to Regulations 23bis of the Regulations of the Court, Annex A is filed as confidential as it contains potential evidence not yet submitted before the Chamber. Should the Chamber accept the submission, the Defence would ask the annex to be reclassified as public.

III. SUBMISSIONS

A. EVIDENCE SUBMITTED BY ORGANISATIONS

i. Statement by the Ker Kwaro Acholi

4. Ker Kwaro Acholi is an organisation comprising leaders of the different clans of Northern Uganda of the Acholi people and promotes traditional Acholi customs and values. It played an important role in attempting to bring peace to Northern Uganda and restore balance through traditional means. Ker Kwaro Acholi was instrumental in getting the Government of Uganda to pass the Amnesty Act and played an important role in the Juba Peace Talks.
5. The organisation is led by the Paramount Chief, Paramount Chief Rwot David Onen Acana II and its Prime Minister Ambrose Olaa. The representative body is composed of chiefs from the traditional chiefdoms in Northern Uganda.

¹ ICC-02/04-01/15-1783-Conf with Public Annex A.

6. The statement from Ker Kwaro Acholi concerns Article 78(1) of the Statute and Rules 145(1)(b) and 145(1)(c) of the Rules. The statement goes to the Mr Ongwen's personal circumstances, the traditional methods of restorative justice, and the circumstances surrounding Mr Ongwen's dual imprisonment since he was nine years old. The statement outlines the traditional methods of Acholi justice and how the Ker Kwaro Acholi deem it appropriate in the current case for Mr Ongwen's sentencing and the bringing of peace to many.
7. The Defence proposes to submit the letter through the Bar Table.² Should the Chamber deem this an inappropriate manner to submit the letter, the Defence proposes Rule 68(2)(b) of the Rules. The Defence does not propose any redactions to this submission should it be accepted.

IV. RELIEF

8. The Defence respectfully requests Trial Chamber IX accept this addendum to its filing today and accept the annexed statement as evidence for the purpose of its deliberations on its sentencing of Mr Ongwen.

Respectfully submitted,



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

Dated this 26th day of February, 2021

At Gulu, Uganda

² Confidential Annex A (to be stamped UGA-D26-0015-1901).