



Original: English

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

Date: 21 December 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

SITUATION IN UGANDA

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

**Public,
with confidential annexes A, B, C, and D**

**Prosecution's submission of the document containing the charges, the
pre-confirmation brief, and the list of evidence**

Source: The Office of the Prosecutor

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 James Stewart
Mr Benjamin Gumpert

Counsel for Dominic Ongwen

Mr Krispus Ayena Odongo

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox
Ms Paolina Massidda

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims
Ms Paolina Massidda

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States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Section

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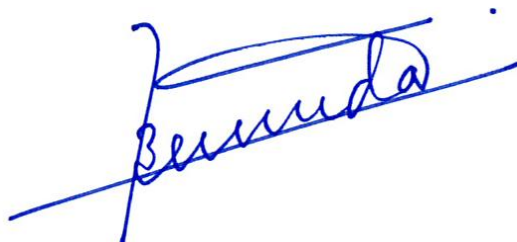
Detention Section

Victims Participation and Reparations Section **Other**

1. The Prosecution submits, pursuant to article 61(3)(a) and (b) of the Rome Statute, rule 121(3) and (9) of the Rules of Procedure and Evidence and regulation 52 of the Regulations of the Court, the document containing the charges against Dominic Ongwen (“DCC”, English & Acholi versions appended as Annexes A & B), the pre-confirmation brief (“PCB”, appended as Annex C) and the list of evidence (“LoE”, appended as Annex D).
2. The DCC, in accordance with the instructions of the Presiding Judge,¹ is limited to a statement of material facts and circumstances and their legal characterisation. The PCB sets out detailed submissions on points of fact and law: the elements of the crimes charged, and how the evidence satisfies them.
3. Both the DCC and the PCB are organised into thematic sections: attacks on internally displaced persons’ camps in Pajule, Odek, Lukodi and Abok, sexual and gender based crimes, and conscription and use of child soldiers. Elements of Dominic Ongwen’s individual criminal responsibility common to all thematic sections and the contextual elements of the crimes are set out separately in additional sections to reduce repetition.
4. Sections of the DCC and PCB feature sub-headings delineating individual crimes or modes of liability. However, this is only for ease of review and should not be considered as limiting the relevance of a particular material fact or item of evidence to the respective subheading. The Prosecution relies on all material facts and circumstances in the DCC and the entirety of the evidence cited in the PCB, as a whole.

¹ ICC-02/04-01/15-T-6-ENG, p. 19-22.

5. Annexes A, B, C and D are classified as “confidential” because they include the identities of witnesses, the disclosure of which may endanger their safety and well-being.² Public redacted versions of these documents will be filed shortly.



Fatou Bensouda,
Prosecutor

Dated this 21st day of December 2015
At The Hague, The Netherlands

² Article 68 of the Rome Statute and regulation 23*bis* of the Regulations of the Court.