

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/04-01/15**  
Date: **6 September 2016**

**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 Annexes A, B and C**

**Prosecution's submission of the list of evidence, the list of witnesses and  
summaries of anticipated testimony**

**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 Benjamin Gumpert

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Mr Joseph Akwenyu Manoba  
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**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

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**The Office of Public Counsel for the  
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**Amicus Curiae**

**States Representatives**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Section**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. Pursuant to rule 76 of the Rules of Procedure and Evidence and the orders of the Trial Chamber IX,<sup>1</sup> the Prosecution submits its list of evidence, list of witnesses, and summaries of the anticipated testimony of Prosecution witnesses, appended as annexes A, B and C respectively.
2. The list of evidence features the titles and evidence registration numbers of the items of evidence on which the Prosecution intends to rely. It also lists witness testimony obtained pursuant to article 56 of the Rome Statute that has already been recognised as formally submitted<sup>2</sup> by Trial Chamber IX.
3. The list of witnesses sets out each witness's name, designated witness number, gender, modality of presentation,<sup>3</sup> provisional order of appearance, estimated length of direct examination and whether the witness is also a participating victim.<sup>4</sup> The list features 120 witnesses on whose evidence the Prosecution relies to prove its charges: 69 witnesses who will provide live testimony, 44 witnesses regarding whom the Prosecution has sought<sup>5</sup> or will shortly seek admission of prior recorded testimony into evidence pursuant to rule 68(2),<sup>6</sup> and 7 witnesses whose testimony has already been formally submitted.<sup>7</sup>
4. The summaries of anticipated testimony relate to the 69 witnesses who will provide live testimony.

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<sup>1</sup> ICC-02/04-01/15-449 and ICC-02/04-01/15-453.

<sup>2</sup> ICC-02/04-01/15-520.

<sup>3</sup> "Modality of presentation" in this context refers to whether the Prosecution intends to call the witness to provide live testimony, or intends to obtain admission of the witness's evidence *via* rule 68(2). It also specifies where testimony has been taken under article 56 of the Statute.

<sup>4</sup> Further applications for participation of victims will be filed in the case until 6 October 2016. The Prosecution will communicate any updates on the dual status individuals in accordance with the Trial Chamber's decision ICC-02/04-01/15-504, Annex 2.

<sup>5</sup> ICC-02/04-01/15-465-Corr-Red, made pursuant to rule 68(2)(b), relating to 38 witnesses.

<sup>6</sup> Should the Prosecution's requests for admission of witness evidence pursuant to rule 68(2) be unsuccessful with regard to any particular witness, the Prosecution intends to call the relevant witness to provide live testimony.

<sup>7</sup> ICC-02/04-01/15-520.

### Confidentiality

5. The Prosecution requests that annexes A, B and C be received as “Confidential” pursuant to regulation 23*bis* of the Regulations of the Court since all three annexes feature the names of Prosecution witnesses with annex C also summarising witness evidence that is classified as confidential in the case record.



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Fatou Bensouda  
Prosecutor

Dated this 6<sup>th</sup> day of September 2016  
At The Hague, The Netherlands