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**International
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Date: **24 November 2017**

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

Public Redacted Version of “Defence Response to the Prosecution’s Eighth Request to Add Three Experts and Related Evidence to its Witness and Evidence Lists and Request for All Mental Health Professionals to be heard in One “Joint” Session”, filed on 6 November 2017

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**

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I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby responds to "Prosecution's Request to Add Three Experts and Related Evidence to its Witness and Evidence Lists and Requests for All Mental Health Experts to be Heard in One 'Joint' Session" ('The Request').¹ The Defence objects to the addition of the three witnesses and the evidence related to them because the Prosecution has not given an explanation as to why they are being added at this juncture of the case despite the fact that notice of intention to rely on Article 31(1)(a) affirmative defence was given back in August 2016, which was 15 months ago.
2. Even if Trial Chamber IX ('Chamber') is inclined to grant the addition to the Prosecution's list of witnesses and evidence, the Defence objects to the Prosecution's suggestion that the Chamber conduct a joint expert evidence session, sometimes referred to by its colloquial common law term 'hot tubbing' in all the suggested alternative forms. The Prosecution's request is late and unjustified, and granting the request will prejudice Mr Ongwen.

II. BACKGROUND

3. On 18 May 2016, the Prosecution committed to meet its disclosure obligations for trial by 5 September 2016, and undertook to notify the Chamber in case circumstances arose to imperil this commitment.²
4. On 30 May 2016, the Chamber in its Decision Setting the Commencement Date of the Trial, set 6 September 2016 as the deadline for the Prosecution to *inter alia*, provide its final list of witnesses with summaries of anticipated witness testimony and estimated length of testimony.³ Any additional witnesses after the deadline were to be with leave of the Chamber.
5. On 7 June 2016, the Single Judge gave the Defence a deadline of 9 August 2016 to disclose the names of the witnesses and any other evidence upon which it intends to rely on for any defences under Article 31.⁴

¹ ICC-02/04-01/15-1024.

² ICC-02/04-01/15-438, para. 7.

³ ICC-02/04-01/15-449, para. 8.

⁴ ICC-02/04-01/15-460, para. 20.

6. On 9 August 2016, the Defence filed a notification that it would be relying on grounds under Article 31(1)(a) and committed to make a more formal submission by October 2016.⁵
7. On 25 August 2016, the Defence updated the notification by providing a provisional list of expert witnesses.⁶
8. On 6 September 2016, the Prosecution filed its submission of the list of evidence, the list of witnesses, and summaries of anticipated testimony.⁷
9. On 5 December 2016, the Defence filed a request to stay the proceedings pending a psychiatric and/or psychological examination of Mr Ongwen citing a possible lack of fitness to stand trial.⁸ This was followed by a disclosure on 7 December 2016 of a psychiatric report⁹ from the Defence Experts to support its motion.
10. On 16 December 2016, the Chamber appointed an expert to examine Mr Ongwen with a view to making a diagnosis as to any mental condition or disorder that Dominic Ongwen may suffer at that time.¹⁰ A redacted version of the Chamber Expert's Report was transmitted to the Prosecution on 8 February 2017.¹¹
11. On 4 May 2017, the Office of the Prosecutor requested through Defence Counsel to have the Prosecution retained medical professionals interview Mr Ongwen and to conduct psychiatric/psychological tests on Mr Ongwen.¹²
12. On 21 February 2017, the Chamber ordered the disclosure of certain materials underlying the findings of the Defence Expert Report including Mr Ongwen's medical records from the Detention Centre.¹³
13. Sometime in April 2017, the Prosecution identified and instructed its own experts, giving them materials allegedly relating to Mr Ongwen's mental health as well as alleged audio and

⁵ ICC-02/04-01/15-518.

⁶ ICC-02/04-01/15-528-Conf-AnxA.

⁷ ICC-02/04-01/15-532.

⁸ ICC-02/04-01/15-620.

⁹ UGA-D26-0015-0004.

¹⁰ ICC-02/04-01/15-902.

¹¹ ICC-02/04-01/15-702-Conf-AnxII.

¹² ICC-02/04-01/15-860-Conf-AnxB, pp. 4-5.

¹³ ICC-02/04-01/15-709.

video statements of Mr Ongwen.¹⁴ The Prosecution experts requested to examine Mr Ongwen and the Prosecution transmitted this request to the Defence. The Defence notes that the Prosecution did not give copies of [REDACTED].

14. On 12 May 2017, the Prosecution asked the Defence if a decision had been reached, and the Defence replied that day stating that the answer was that Mr Ongwen declined the proposed examination.¹⁵
15. On 18 May 2017, the Prosecution informed the Defence by way of an emailed letter that if Mr Ongwen refused the medical examinations by the Prosecution Experts, it would file a request for an order from the Chamber to force Mr Ongwen to have the examination. The letter also asked Counsel to consult Mr Ongwen about reconsidering his decision.¹⁶
16. On 7 June 2017, the Prosecution filed an application requesting, *inter alia*, for the underlying materials used in the preparation of the Chamber Expert's report, and for the Chamber to effectively caution Mr Ongwen that adverse inferences might be drawn from his failure to consent to examination by Prosecution expert witnesses.¹⁷ This application was rejected by the Single Judge who noted that the Prosecution was free to share the redacted report with its medical professionals and that anything more would give "the Chamber Expert Report an adversarial dimension" which would go beyond its original purpose.¹⁸ The Chamber pointed out that the denial of the Prosecution Request was "without prejudice to the Chamber later appointing experts to verify the viability of any grounds for excluding criminal responsibility."¹⁹

III. CONFIDENTIALITY

17. Pursuant to Regulation 23 *bis*(1) of the Regulations of the Court, the Defence submits this response as confidential as it refers to confidential materials and filings. The Defence shall file a public redacted version in due course.

¹⁴ The Request, para. 11.

¹⁵ ICC-02/04-01/15-860-Conf-AnxB, p. 3.

¹⁶ ICC-02/04-01/15-860-Conf-AnxB, p. 2.

¹⁷ ICC-02/04-01/15-860-Conf.

¹⁸ ICC-02/04-01/15-902, para. 9.

¹⁹ ICC-02/04-01/15-902, para. 10.

IV. SUBMISSIONS

18. The present filing addresses both (a) the Prosecution Request to add the three witnesses and evidence related to them on the lists of witnesses and evidence and (b) the Prosecution Request for a “joint session” for all the mental health professionals.

A. The Prosecution request to add the three witnesses and their related items should be denied

19. Just recently, the Presiding Judge, on 22 August 2017, granted another Prosecution late request to add materials to its list of evidence in this trial.²⁰ The current request from the Prosecution comes more than a year after the 6 September 2016 deadline from the Chamber and more than a year since the Defence notification of an affirmative defence under Article 31(1)(a). The Defence has previously complained about the lack of diligence by the Prosecution. The Defence respectfully submits that the Prosecution is persisting in its nonchalant approach to investigation, its disclosure obligations, and the necessity to have prepared its case before the commencement of trial while saving such applications for only the times when it is absolutely necessary. The Chamber has previously accommodated the Prosecution, even while acknowledging the Defence’s objections.²¹

20. It is incorrect that this request to add these three witnesses and their related documents does not prejudice the Defence as claimed by the Prosecution at paragraph 16 of the Request. Nowhere in its submission does the Prosecution justify this late request at a time when the Prosecution case is winding down with only a few of its witnesses left to testify. The Defence is already constrained in time and resources as has been described in another filing,²² especially at this juncture when the Prosecution case is coming to an end. If indeed the Prosecution is permitted to add these witnesses to testify at the end of the its case, the Defence must put considerable resources aside to scrutinise the reports, the materials referred to, and the publications of these witnesses. In addition, the Defence must now consult with the experts on the issues arising out of these reports well before their testimony starts.

21. As noted in the background section above, the Prosecution has been on notice that the Defence may raise an affirmative defence under Article 31(1)(a) of the Statute since August

²⁰ ICC-02/04-01/15-956.

²¹ ICC-02/04-01/15-956, para. 11.

²² ICC-02/04-01/15-1029-Conf.

2016. Even with the benefit of doubt, a copy of the Defence Experts Report was disclosed to the Prosecution in December 2016 even before the first Prosecution witness testified. Further, by early February 2017, the Prosecution has had a copy of the Chamber Expert's Report, giving the Prosecution sufficient notice. Instead, the Prosecution, has spent the better part of the year impermissibly seeking to violate Mr Ongwen's rights under Article 67(1)(g) of the Statute not to be compelled to testify and to remain silent without such silence being a consideration in the determination of guilt or innocence. Additionally, in the terms of reference given to all the proposed witnesses, 1 August 2017 was the deadline within which to present the report.²³ More than 2 months have elapsed with the Prosecution in possession of these reports but they are disclosing them only now with no explanation.

22. In paragraph 20 of the Request, the Prosecution submits that the reports are of significant probative value because of the qualifications of the proposed witnesses, the reliability of the assessment process, and the concurrence between the authors on fundamental issues. The Defence notes that the only feasible "concurrence" between the authors is the fact that they were unable to personally meet and examine Mr Ongwen.²⁴ Also, as far as the Defence is aware, two of the three proposed witnesses are not on the Court's maintained List of Experts kept under Regulation 44 of the Rules of Court.²⁵ This filing shall not delve into the qualifications or lack thereof of the proposed witnesses and the Defence reserves its right to formally challenge the expertise of the proposed witnesses and evidence in line with paragraph 32 of the Initial Directions on the Conduct of the Proceedings.²⁶ However, the Defence notes that one of the proposed witnesses, P-0446, lacks the contextual and cultural knowledge of Northern Uganda in particular, or East Africa generally, which then diminishes the probative value of his report.
23. The Defence avers that this motion is just another attempt by the Prosecution to arm twist Mr Ongwen to testify against himself in the Prosecution case against him by pitting potential Defence witnesses with the Prosecution's retained medical practitioners. This is clearly demonstrable in the Prosecution's *inter partes* email to the Defence which stated that, "The

²³ UGA-OTP-0280-0674 related to P-0447 indicates at page 0701 10 August 2017 as the date of completion while UGA-OTP-0280-0786 related to P-0446 indicates 08 August 2017 as date of completion.

²⁴ UGA-OTP-0280-0732 at 0755; UGA-OTP-0280-0674 at 0701; and UGA-OTP-0280-0786 at 0814.

²⁵ See Confidential Annex A.

²⁶ ICC-02/04-01/15-497, para. 32.

Prosecution's preference is for this 'joint session' to take place at the close of the Prosecution's case (possibly in the spring of 2018) [...].”²⁷

24. Further, the Defence submits that the Prosecution is seeking to abscond from its statutory duty under Article 66(2) of the Statute as well as reverse the burden of proof to Mr Ongwen in violation of his rights under Article 67(1)(g) and (i) of the Statute.
25. The jurisprudence of this Court is clear about the contours of the requirement under Article 66(3) that requires that in order to convict the accused, the Court must be convinced of the guilt of the accused beyond reasonable doubt. The standard of proof “beyond reasonable doubt” must be applied to establish the facts forming the elements of the crime or the mode of liability alleged against the accused as well as with respect to the facts which are indispensable for entering a conviction.²⁸ Trial Chamber VII in the *Bemba et al.* in the context of documents in the possession of the Defence in that case, held that a Chamber cannot compel an accused to produce documents which could violate his rights not to be compelled to testify or to confess guilt and to remain silent under Article 67(1)(g) and not to have imposed on him or her any reversal of the burden of proof or onus of rebuttal under Article 67(1)(i).²⁹
26. The Prosecution is aware of its obligations to present its case and prove the charges against Mr Ongwen beyond a reasonable doubt. Again, this is clearly seen in the Prosecution's *inter partes* email where it stated, “*If the Defence no longer intends to call expert witnesses in support of an Article 31(1)(a) defence, the Prosecution will, in any event, seek to call P-0445, P-0446, and P-0447 as the last three witnesses in the presentation of its case.*”³⁰ The Prosecution has all the necessary notice to prepare and present its case to this Chamber whichever way they please, without inviting the Chamber to violate Mr Ongwen's fundamental rights.

²⁷ Email of 2 October 2017 at 14h48, subject line “Article 31(1)(a) and Medical Experts”, attached as Confidential Annex B.

²⁸ ICC-01/04-02/12-3-tENG, para. 35 and also ICC-01/04-01/07-3436-tENG, para. 69, emphasis added.

²⁹ ICC-01/05-01/13-907, para. 14.

³⁰ See Confidential Annex B.

B. The Prosecution’s proposal for a “Joint Session” of all mental health experts is flawed and should be rejected

1. *A joint session during the Defence case is counter to the current regime on the presentation of evidence*
27. The regime of the presentation of evidence was fully covered in the Initial Directions on the Conduct of Proceedings Decision, particularly regarding the phases of trial relating to the presentation of evidence.³¹ This Chamber directed that the sequence to be followed was the presentation of evidence by the Prosecution first; any presentation of evidence by the legal representative teams (‘LRVs’), if leave is granted; and lastly any presentation of evidence by the Defence.
28. The Prosecution neither raised this issue in its submissions prior to the Directions, nor did they request for a reconsideration, review, or leave to appeal this regime. However, now the Prosecution seeks to upset the entire regime without using the proper procedure and only in regard to a specific set of circumstances which is not warranted.
2. *A “Joint Session” at any time would prejudice Mr Ongwen*
29. The parties acknowledge that the rules are silent on the modalities of procedure in case the Defence raises an affirmative defence. The Chamber has previously emphasised the fact that deference is given to the parties regarding the manner in which the parties wish to call its witnesses.³² The Defence invites the Chamber to apply the same principle to the order in which the parties or participants choose to call its witnesses. That is, as long as it is within the parameters of the Chamber’s instructions in the Initial Directions on the Conduct of the Proceedings. The Prosecution chose the order in which to call its witnesses and as a matter of fact, some of the amendments have been motivated by the need to maintain a certain pattern.³³ The Chamber Decision cited by the Prosecution at paragraph 18 was only limited to the

³¹ ICC-02/04-01/15-497, para. 9.

³² ICC-02/04-01/15-497, para.17. *See also* arguments from the Office of the Prosecutor in *Prosecutor vs. Kenyatta*, ICC-01/09-02/11-842-Red, para. 13 where the Office of the Prosecutor argued that the opening of the case against Mr Kenyatta should be delayed so the Prosecution could present its evidence in a logical and coherent sequence decided by the calling party.

³³ *See* Confidential Annex C, where the Prosecution indicated that they wanted to call P-0189 earlier than previously scheduled because of the closeness of his material to that of P-0355.

Defence Case and not the far-reaching procedure that the Prosecution now seeks to have the Prosecution Case commingled with the Defence Case.

30. The Defence notes that the Prosecution does not have any supporting case law for the proposed joint session. However, research shows that such a procedure, as proposed by the Prosecution, originates from Australia and several common law jurisdictions, in particular United Kingdom and Wales, Singapore, Canada, and United States of America have started pilot projects to test its feasibility.³⁴ They have however been commonly used in civil and not in criminal law matters.³⁵
31. In systems where concurrent expert sessions are held, the experts usually meet prior to their testimony and iron out agreed conclusions.³⁶ The sessions therefore would be only for those issues on which they disagree. It has been noted that these are usually people who have worked together and have a mutual respect for each other, despite their disagreement.³⁷ The same cannot be said for this case where a reading of the report of P-0446 clearly indicates a dismissal of all the experts who have examined Mr Ongwen, especially the Chamber Expert.³⁸
32. As far as the Defence is aware, the Prosecution has called, or intends to call other experts including P-0422 and P-0414, whose testimony touches on complex topics that are core to this case and which will ultimately help the Court in determining the truth. The argument that these proposed witnesses on mental health should testify jointly to promote clarity and coherence is tantamount to call into question the Chamber's ability to sift through the evidence and come to a just decision as to Mr Ongwen's guilt or innocence. Just as the Chamber does not have the expertise in DNA analysis, radio intercepts and enhancement, or the background knowledge of the conflict in Northern Uganda, but has been able to listen to the Prosecution experts on these matters without a need for them to testify alongside those

³⁴ <http://www.fedcourt.gov.au/digital-law-library/judges-speeches/justice-raises/raises-j-20131012>. See generally the January 2010 "Jackson Report" following the review of civil litigation costs in England and Wales conducted by Lord Justice Jackson and his paper on Concurrent Expert Evidence Presented in June 2016 at <https://www.judiciary.gov.uk/wp-content/uploads/2016/06/lj-jackson-concurrent-expert-evidence.pdf>.

³⁵ See for example <http://www.fedcourt.gov.au/digital-law-library/judges-speeches/justice-raises/raises-j-20131012>, para. 20 which states that the procedure in Australia has been used extensively in the Land and Environment Court, the Common Law Division, and the Administrative Appeals Tribunal. The Jackson Report in footnote 34 was in regard to civil procedure in England and Wales.

³⁶ The Request, para. 32.

³⁷ <https://www.judiciary.gov.uk/wp-content/uploads/2016/06/lj-jackson-concurrent-expert-evidence.pdf>, p.2

³⁸ See generally UGA-OTP-0786, pages 0795-0804.

which the Defence could potentially call, it should be able to do the same on issues relating to Mr Ongwen's mental state during the charged crimes.

33. Furthermore, the issues involved in this case relate to the very intimate and personal welfare of an individual who spent his young adult life in captivity, is now facing 70 counts, and whose conviction will have immediate and collateral consequences for himself and his family. As such, the Defence respectfully submits that expeditiousness and cost saving should not be the overriding consideration for such a procedure to be adopted.
34. The Prosecution argues that a joint session is important to allow for a "deeper and sustained engagement with the relevant issues" and that this need for interactive engagement is heightened due to the sparse details provided in the Defence Expert Report as to how the diagnosed mental disorders resulted in the destruction of Mr Ongwen's mental capacity at the time of the alleged crimes.³⁹ This is indicative of the flawed premise held by the Prosecution regarding the onus of proof required and on whom it falls. Pitting the witnesses against each other tends to suggest that one side will have to convince the Chamber about the existence or lack thereof of a key element in Mr Ongwen's trial. This is simply not true.
35. The Rome Statute protects an accused against ever having the burden of proof in any contested issue. However, jurisprudence from other tribunals indicates that perhaps there is a slight shift of responsibility when an accused raises matters only which he would have the knowledge, a very minimal standard is the balance of probabilities, enough to suggest a reasonable possibility.⁴⁰ It has been suggested that given the combined effect of Articles 66(2) and 67(1)(i), it would be appropriate to rule in such cases that the accused is only required to raise a reasonable doubt as to mental condition.⁴¹ Others have argued that "[...] the tendency of the ICC law is to put the burden on the prosecution to disprove any and all factual defences".⁴² This has already been adequately raised to the attention of the Prosecution and the Defence should not be required to prove beyond a reasonable doubt Mr Ongwen's mental state at the time of the alleged criminal conduct. If and when the Defence decides to call its

³⁹ ICC-02/04-01/15-1024, paras. 32 and 34.

⁴⁰ ICTY: *Prosecutor v. Delali et al.*, Trial Judgment, IT-96-21-T, 16 November 1998.

⁴¹ See M. Klamberg, *Evidence In International Criminal Trials: Confronting Legal Gaps and the Reconstruction of Disputed Events*, Chapter 3: Burden of Proof, Standard of Proof and Evaluation of Evidence, Martinus Nijhoff Publishers, 2013, page 127.

⁴² See M. Klamberg, *Evidence In International Criminal Trials: Confronting Legal Gaps and the Reconstruction of Disputed Events*, Chapter 3: Burden of Proof, Standard of Proof and Evaluation of Evidence, Martinus Nijhoff Publishers, 2013, page 127.

witnesses, the Prosecution of course will be able to elicit whatever information they deem lacking during cross-examination.

3. *A joint session at the end of the Prosecution case would prejudice Mr Ongwen*

36. The Ongwen Defence opposes the Prosecution's submission that the Joint Session should take place at the close of the Prosecution case. The Defence avers that the Prosecution's request forces the Defence to put forward its case, and thus disregards Mr Ongwen's rights under Articles 66 and 67(1) of the Statute. The Defence submits that it does not have to present its case at this point in time in the proceedings. Article 67(1)(i) of the Statute prohibits any reversal of burden of proof or any onus of rebuttal being imposed on the Accused. This prohibition is a corollary of the presumption of innocence protected under Article 66 of the Statute.
37. In other words, ordering Mr Ongwen to call his Experts and present a potential part of its defence case at the end of the Prosecution case shall violate his rights "[n]ot to be compelled to testify or to confess guilt and to remain silent" under Article 67(1)(g) of the Statute and "[n]ot to have imposed on him any reversal of the burden of proof or onus of rebuttal" under Article 67(1)(i) of the Statute.
38. In this regard, Judge Pikis of the *Lubanga* Chamber found that:

The Statute assures to the accused the right not to have imposed on him or her any reversal of burden of proof or any onus of rebuttal. The right to silence is interwoven with the presumption of innocence of the accused. The accused is presumed to be innocent. He does not have to prove his innocence. What he must do in order to free himself from the accusation is to cast doubt on its validity; it is his right to be acquitted unless the accusations against him are proven beyond reasonable doubt.⁴³

39. As the Prosecution submits the reports of the Prosecution mental health professionals were prepared on the basis of their review of relevant materials, including, *inter alia*, the report produced by the Defence Experts and/or medical records from the ICC Detention Centre. This is as much the Defence has put at issue. The Prosecution and its mental health professionals are presented with a considerable amount of material to be able analyse its relevance and conduct its examination-in-chief on this particular issue.

⁴³ ICC-01/04-01/06 OA 11, Partly dissenting opinion of Judge Georghios M. Pikis, 11 July 2008, para. 14.

40. Given that both the Prosecution and LRVs have yet to conclude presentation of its evidence, the Defence's case is not yet fully developed and may change. Therefore, the Defence asserts its right to hear the totality of the Prosecution's and LRVs' cases-in-chief before presenting any of its evidence.

4. *The Chamber may appoint its own expert witnesses if deemed necessary*

41. The Prosecution requests that the Chamber adopt the parties' witnesses as its own and then hold a joint session is improper and seeks to usurp the Chamber's power to direct the proceedings as it deems fit. In addition, the Prosecution does not acknowledge that this has the potential to merge the role of the Chamber and the parties in this case. Whereas the overall mission is to establish the truth and all witnesses are technically Chamber witnesses, more so, expert witnesses, the Prosecution does not acknowledge that the proposed witnesses so far have received instructions from the corresponding parties with differing terms of reference and materials on which to rely. In addition, the Chamber has previously indicated the possibility of it appointing its own experts to verify any grounds excluding criminal responsibility.⁴⁴

42. The Defence submits that if the Chamber deems it appropriate, it should be given an unbiased opportunity to identify and appoint its own experts for this particular issue. Of course, the Chamber may even decide to make available all the available expert reports to be evaluated by its own experts to remove any adversarial bias.

5. *The Prosecution's request to call rebuttal witnesses is speculative and premature*

43. Still in the Initial Directions for the Conduct of the Proceedings, the Chamber stated that leave must be sought in order to present rebuttal/rejoinder evidence. The Prosecution request for leave to call its witnesses after the close of the Defence case is speculative and premature. The Prosecution argues that without a joint session, it would not be efficient to call its witnesses at the end of its case since it may be necessary to recall them at the close of the Defence case. Again, the Prosecution argues on a flawed premise that its witnesses would be at a disadvantage because they have not had access to Mr Ongwen.

⁴⁴ ICC-02/04-01/15-902, para. 10.

44. In essence, the Prosecution is requesting this Chamber to give abstract guidance and advance consideration for a matter that is not at issue and therefore should reject this premature and speculative request. Further, the Prosecution argues that it would be prejudiced to present a case in response to a Defence case that has not yet fully developed. Again, the Defence respectfully submits that the Prosecution has enough information to work with and present a comprehensive case against Mr Ongwen who is under no legal obligation to prove his innocence because he is presumed as such until this Chamber finds otherwise. The Prosecution is free to present its evidence and then seek leave to present rebuttal evidence if and when the Defence case raises an issue that is novel, according to the Chamber. The reports that have been so far disclosed are what the Defence has chosen to put at issue and it may well be the only materials that shall be relied upon.

V. RELIEF

45. The Defence requests the Chamber to reject the Prosecution's request in its entirety by denying:
- a. The Prosecution request for leave to add the three mental health professionals and related evidence to its witness and evidence lists;
 - b. Its request for a joint session of all mental health witnesses at the end of the Prosecution case; and
 - c. Its request to call its witnesses at the close of the Defence case.

Respectfully submitted,



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

Dated this 24th day of November, 2017

At Kampala, Uganda