

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **4 April 2018**

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 Public Annexes A and C and Confidential Annex B

**Common Legal Representative's Information to the Chamber Pursuant to the
Decision to Present Evidence (ICC-02/04-01/15-1199-Red)**

Source: Office of Public Counsel for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the****Court to:*****The Office of the Prosecutor**

Ms Fatou Bensouda
Mr Benjamin Gumpert

Counsel for the Defence

Mr Krispus Ayena Odongo
Mr Chief Charles Achaleke Taku

Legal Representatives of the Victims

Ms Paolina Massidda
Ms Jane Adong
Mr Joseph Akwenyu Manoba
Mr Francisco Cox

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

Ms Paolina Massidda
Mr Orchlou Narantsetseg
Ms Caroline Walter

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

Registrar

Mr Herman von Hebel

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations
Section****Other**

I. PROCEDURAL BACKGROUND

1. On 2 February 2018, the Common Legal Representative submitted her Final List of Witnesses and her Request for Leave to Present Evidence.¹ On the same day, the Legal Representatives filed their request for leave to present evidence and to present victims' views and concerns in person.² On 15 February 2018, the Defence filed its Response to both Legal Representatives of victims' requests to present evidence.³

2. On 6 March 2018, the Chamber rendered its Decision authorising the presentation of evidence by both teams of Legal Representatives of Victims, ordering the latter, *inter alia*, to provide certain information within one week after the Prosecution's formal notice that it concluded its evidence presentation.⁴

3. On 14 March 2018, by e-mail, the Chamber modified the original deadline indicating that the Legal Representatives should provide said information by 5 April 2018.⁵

4. The Common Legal Representative hereby provides the Chamber with the requested information.

¹ See the "Common Legal Representative's submission of Final List of Witnesses and Request for Leave to Present Evidence", No. ICC-02/04-01/15-1165-Conf + Conf-Anxs, 2 February 2018. A public redacted version of the Request was filed on 5 February 2018. See No. ICC-02/04-01/15-1165-Red.

² See the "Victims' requests for leave to present evidence and to present victims' views and concerns in person", No. ICC-02/04-01/15-1166 + Conf-Anx, 2 February 2018.

³ See the "Defence Response to the LRV and CLRV Requests to Present Evidence and the Views and Concerns of Registered Victims", No. ICC-02/04-01/15-1182-Conf, 15 February 2018. A public redacted version of the document was notified on 23 February 2018. See No. ICC-02/04-01/15-1182-Red.

⁴ See the "Decision on the Legal Representatives for Victims Requests to Present Evidence and Views and Concerns and related requests (Trial Chamber IX), No. ICC-02/04-01/15-1199-Conf, 06 March 2018, para. 79. A public redacted version of the decision was filed on the same day. See No. ICC-02/04-01/15-1199-Red.

⁵ See the email from Trial Chamber IX sent on 14 March 2018 at 9:40.

II. CONFIDENTIALITY

5. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, Annex B is filed confidential since it contains confidential information.

III. INFORMATION PROVIDED TO THE CHAMBER

6. The Common Legal Representative confirms her final List of Witnesses contained in Annex A and her List of Evidence contained in Confidential Annex B. In relation to the List of Evidence, she indicates that pending the determination of the Chamber on her request to introduce one item through the “Bar Table”,⁶ said item is not included in the List. Should the Chamber grant the request, an updated List of Evidence will be filed immediately.

7. The Common Legal Representative certifies that all necessary witness information forms have been completed and provided to VWU on 23 March 2018. All witnesses will testify publicly. Therefore, no request for protective and/or special measures was filed.

8. The Common Legal Representative attaches the summaries of the anticipated testimonies in Annex C to the present submission. In this regard, she indicates that the Acholi translations have been requested on 27 March 2018 and that the Languages Services Section within the Registry has indicated that translation will be ready on 6 April 2018. The Acholi translations will be disclosed to the Defence as soon as received.

9. The Common Legal Representative informs the Chamber that she has disclosed to the parties and the other Legal Representative’s team, the Experts’ Reports and related documents, as well as the items she intends to use during the

⁶ See the “Common Legal Representative’s Request to Introduce One Item of Evidence through Bar Table Motion”, No. ICC-02/04-01/15-1214 + Conf-Anx, 29 March 2018.

evidence presentation, which are included in the List of Evidence. In this regard, the Common Legal Representative indicates that the items she intends to use are mainly articles and papers quoted in the Experts' Reports or that she has found relevant and publicly available. Because of the fact that the final Experts' Reports were received very recently (the last one on 28 March 2018), she is not in a position to exhaustively list all the items which could potentially be of use during her questioning. Therefore, the Common Legal Representative may seek the Chamber's indulgence to allow her to amend this List at the approaching appearance of the witnesses within the deadline for submitting such items as set out in the "Initial Directions on the Conduct of the Proceedings".⁷ A formal notice of disclosure is filed concomitantly.

Respectfully submitted.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is written in a cursive style and is underlined.

Paolina Massidda
Principal Counsel

Dated this 4th day of April 2018

At The Hague (The Netherlands)

⁷ See the "Initial Directions on the Conduct of the Proceedings" (Single Judge, Trial Chamber IX), No. ICC-02/04-01/15-497, 13 July 2016, paras. 19 - 23.