

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **5 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 Confidential Annex A
Information to the Chamber Pursuant to the Decision on Legal Representatives of
Victims' Request to Present Evidence**

Source: Legal Representatives of 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 Charles Achaleke Taku

Legal Representatives of the Victims

Mr Joseph Akwenyu Manoba and
Mr Francisco Cox

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

Ms Paolina Massidda

**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 HISTORY

1. On 2 February 2018, Legal Representatives for Victims (“LRVs”) filed their final lists of witnesses and request for leave to present evidence and to present victims’ views and concerns in person.¹ On the same day the OPCV filed its request for leave to present evidence.² On 15 February 2018, the Defence requested the Chamber to reject both LRVs’ and OPCV’s requests to present evidence.³

2. On 6 March 2018, the Chamber issued its decision authorising the presentation of evidence by LRVs and OPCV. At the same time, the Chamber ordered both LRVs and OPCV to provide within one week after the Prosecution’s formal notice that it concluded its evidence presentation: (i) confirmation of its final lists of evidence and witnesses; (ii) certification that all necessary witness information forms have been completed and provided to the Victims and Witnesses Unit (“VWU”); (iii) summaries of the anticipated testimonies; (iv) disclosure of all items which are intended to be used during the evidence presentation; and (v) any request for protective measures or relief under Rule 68 of the Rules.⁴ Moreover, the Chamber ordered the Legal Representative to disclose to the Defence, by the same deadline, Acholi translation of the anticipated testimony summaries and of the victim-witnesses’ applications for victim participation.⁵

¹ 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.

² 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. Public redacted version of this Request was filed on 5 February 2018, ICC_02/04-01/15-1165-Red.

³ 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. Public redacted version of this documents was notified on 23 February 2018, ICC-02/04-01/15-1182-Red.

⁴ 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, 6 March 2018, para. 79. Public redacted version of the decision was filed on the same day, ICC-02/04-01/15-1199-Red.

⁵ Ibid., para. 80.

3. On 13 March 2018, by email, the Chamber modified the original deadline indicating that the LRVs and OPCV should provide the above listed information by 5 April 2018.⁶

II. CONFIDENTIALITY

4. Pursuant to regulation 23*bis* of the Regulations of the Court, the LRVs file Annex A confidentially because they information which would reveal the identities of the LRVs' witnesses and parts of the evidence that these witnesses will present before the Chamber.

III. INFORMATION PROVIDED TO THE CHAMBER

5. The LRVs confirm that their final list of Witnesses is contained in Confidential Annex A. The LRVs' do not seek to introduce documentary evidence other than through its witnesses, and as such do not submit a List of Evidence.
6. The LRVs confirm that all necessary witness information forms have been completed and were provided to the VWU on 12 March 2018 apart from witness information form for witness V-0001 which the LRVs intend to submit to the VWU by the close of business on 6 April 2018.
7. Summaries of the anticipated witness testimonies have been prepared and Acholi translations of these summaries have been requested. The Language Services Section ("LSS") has indicated that translations will be ready on 6 April 2018. The LRVs will disclose these materials to the Defence as soon as they receive them from the LSS.
8. The Acholi translations of the applications forms for victim participation which were submitted by the LRVs' three victim-witnesses have been prepared by the LSS.

⁶ E-mail from Trial Chamber IV sent on 13 March 2018 at 16:55.

9. The LRVs inform the Chamber that the LRVs will today (5 April 2018) disclose to the parties the following materials through ringtail:
- i) the above-mentioned victims' applications for victim participation, in Acholi translation;
 - ii) the report of the LRVs' expert witness;
 - iii) documents that the LRVs intends to use during the examination of their witnesses.
10. A formal communication of disclosure evidence will be filed in due course to reflect this disclosure.
11. In addition, in compliance with the Chamber's order regarding summaries of expected witness testimony, these will be provided to the parties, the OPCV and the Chamber by email, following the practice of the Prosecution. An email containing these summaries in English will be sent today. Acholi translations of these summaries will be sent as soon as practicable after they are received from the LSS.
12. Moreover, the LRVs inform the Chamber that today they will also submit an Application for in-court protective and special measures with regard to one out of the four LRV witnesses who will be presenting evidence before the Chamber.

Respectfully submitted.



Joseph A. Manoba
Legal Representatives for Victims



Francisco Cox

Dated this 5th day of April 2018
At Kampala, Uganda and at Santiago, Chile