

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 29 May 2018

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Single 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 Request for a Status Conference Pursuant to Rules 132(2) and 132 *bis*(4) of the Rules of Procedure and Evidence”, filed on 29 May 2018

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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James Stewart, Deputy Prosecutor
Benjamin Gumpert, QC

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

Xavier-Jean Keita

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

Paddy Craig

Victims Participation and Reparations Section Other

I. INTRODUCTION

1. Pursuant to Rules 132(2) and 132 *bis*(4) of the Rules of Procedure and Evidence ('RPE') and Regulation 54 of the Regulations of the Court, the Defence for Dominic Ongwen ('Defence') hereby requests Trial Chamber IX ('Chamber') to hold a status conference during the latter part of June 2018.

II. CONFIDENTIALITY

2. Pursuant to Regulation 23 *bis*(2) of the Regulations of the Court, the Defence submits this request confidential *ex parte*, Chamber and Defence only. A public redacted version is filed contemporaneously.

III. PROCEDURAL HISTORY

3. On 21 January 2015, Mr Ongwen was transferred to the seat of the Court.
4. On 26 January 2015, Mr Ongwen made his initial appearance before the Court.
5. From 21 January through 27 January 2016, Pre-Trial Chamber II held the Confirmation of Charges Hearing in the case of *The Prosecutor vs Dominic Ongwen*.
6. On 23 March 2016, Pre-Trial Chamber II issued its decision on the Confirmation of Charges Hearing, sending the case to trial.
7. On 23 May 2016, the Chamber held a status conference pursuant to Rule 132(1) and Regulation 54 of the Regulations of the Court.¹
8. On 6 December 2016, the trial in *The Prosecutor vs Dominic Ongwen* opened.²
9. On 16 January 2017, the Prosecution called its first witness.³

¹ ICC-02/04-01/15-T-25-ENG.

² ICC-02/04-01/15-T-26-ENG.

10. [REDACTED].⁴
11. On 13 April 2018, the Prosecution officially closed its case-in-chief in the case of *The Prosecutor vs Dominic Ongwen*.⁵
12. On 4 May 2018, the Chamber informed the Defence that it would not have to start its presentation of evidence until after the summer recess.⁶

IV. SUBMISSIONS

13. As the Chamber did before the beginning of the Prosecution's case-in-chief, the Defence requests a status conference during the latter part of June 2018. The Defence respectfully requests that a representative from VWU is present during the status conference.
14. The Defence notes that the amount of witnesses which it intends to call, approximately 82 witnesses, around 66 of which shall be live witnesses, necessitates a status conference.
15. [REDACTED].
16. The Defence is also in the process of finalising contracts of new expert witnesses, which the Defence could not start until the beginning of April 2018 when it was informed by CSS that the Defence received an additional €50,000 for its investigations and expert witnesses. The Defence would like to discuss the modalities of the witnesses' appearances.
17. Furthermore, the Defence also wishes to discuss the modalities of a medical examination by Chamber appointed experts pursuant to Rule 135 of the RPE. During the time between now and the requested status conference, the

³ ICC-02/04-01/15-T-28-ENG.

⁴ [REDACTED].

⁵ ICC-02/04-01/15-1225.

⁶ ICC-02/04-01/15-1254, para. 18.

Defence intends to conduct *inter partes* discussions concerning recommendations to the Chamber of expert psychiatrists and psychologists for the examination. The requested examination would be for an expert examination and report concerning the Defence's Article 31(1)(a) affirmative defence.

V. RELIEF

18. The Defence respectfully requests the Chamber to schedule a status conference during the latter part of June 2018 for the purpose of discussing the abovementioned issues and any other pertinent issues.

Respectfully submitted,



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

Dated this 29th day of May, 2018

At Kampala, Uganda