

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: **ICC-02/04-01/15**
Date: **17 September 2019**

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

Defence Motion Regarding the Mode of D-41 and D-42's Testimony

Source: Defence for Mr Dominic Ongwen

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 James Stewart
Mr Benjamin Gumpert

Counsel for Mr. Dominic Ongwen

Mr Krispus Ayena Odongo
Mr Charles Achaleke Taku
Ms Beth Lyons

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox

Common Legal Representative for Victims

Ms Paolina Massidda
Ms Jane Adong

REGISTRY

Registrar

Mr Peter Lewis

I. SUBMISSIONS

1. The Defence for Mr Dominic Ongwen ('Defence') requests that Trial Chamber IX ('Chamber') grants the following mode of testimony of the Defence Experts D-0041 and D-0042 ('Defence Experts' or 'Experts'). Being mindful of Article 64(2), 67(1)(b) and (e) of the Statute, the request and proposals below are presented with an intention to conduct the examination of the Defence Experts in a fair and expeditious manner.
2. Currently, the tentative dates of availability of Defence Experts are in the period of 19 to 22 November 2019.¹ Following the Defence inquiry, both Experts confirmed that these dates suit their professional and personal duties. The Defence is cognisant of the timing-issues that scheduling of both lay and expert witnesses may involve. Therefore, it shares the information with the Chamber and parties well in advance of their envisaged testimony.
3. The Defence requests that the Experts testify jointly. This form of testimony is the preference of the Defence Experts. In this regard, the Defence submits that the Experts worked on the examinations and produced their conclusions together. Moreover, if the Chamber allows the Experts to testify jointly, then a considerable amount of time and Court's resources will be saved. Assuming that the Experts testify together, the Defence anticipates two full days for its examination-in-chief. This is in the spirit of fair and expeditious conduct of the proceedings.


II. RELIEF SOUGHT

4. For the reasons stated above, the Defence requests that the Chamber:

GRANT the request for the Defence Experts' testimony in the period of 19 to 22 November 2019;²

GRANT the request for the Defence Experts to testify jointly.

Respectfully submitted,



¹ Taking into account the scheduled Wednesdays off.

² Taking into account the scheduled Wednesdays off.

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Hon. Krispus Ayena Odongo
On behalf of Mr Dominic Ongwen

Dated this 17th day of September, 2019
At Lira, Uganda