

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: **6 December 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 Announcement of the Closure of its Presentation of Evidence**

**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**

Fatou Bensouda, Prosecutor  
James Stewart, Deputy Prosecutor  
Benjamin Gumpert, QC

**Counsel for the Defence**

Krispus Ayena Odongo  
Chief Charles Achaleke Taku  
Beth Lyons

**Legal Representatives of the Victims**

Joseph Akwenyu Manoba  
Francisco Cox

**Common Legal Representative for Victims**

Paolina Massidda  
Jane Adong

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

Paolina Massidda  
Caroline Walter  
Orchlou Narantsetseg  
**States' Representatives**

**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****Victims Participation and Reparations  
Section****Other**

## I. NOTIFICATION

1. The Defence for Dominic Ongwen ('Defence') hereby notifies Trial Chamber IX, the Office of the Prosecutor, the Common Legal Representative for Victims and the Legal Representatives for Victims that the Defence has closed the presentation of evidence in its case, in the case of *The Prosecutor v Dominic Ongwen*, ICC-02/04-01/15.
2. The Defence makes this declaration with the stipulation that several requests for the submission of evidence have not been decided and that said pending requests shall be included into the submitted evidence in due course. This declaration also incorporates the notification made on 5 December 2019 *via* email to Trial Chamber IX with the Parties and Participants in copy where the Defence noted it needed further time to review and possibly request the inclusion into evidence three (3) items disclosed by the Office of the Prosecutor in October 2019.<sup>1</sup>
3. The Defence also notes that disclosure from the Office of the Prosecutor may still continue pursuant to the Prosecution's obligation in the Rome Statute under Article 67(2) and Rule 77 of the Rules of Procedure and Evidence (disclosure which is material to the Defence's case). The Defence requests the right to review any disclosure and make a timely request for its submission into evidence if the Defence deems it necessary, and that any further exculpatory evidence be reasonably considered if a timely request is made.
4. Finally, the Defence notes that with the closure of its presentation of evidence, it does not waive Mr Ongwen's right to make an unsworn statement pursuant to Article 67(1)(h) of the Rome Statute.

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<sup>1</sup> Email sent by Defence to Trial Chamber IX, Prosecution, CLRV and LRV entitled, "*Notice of information impacting upon closing of evidence*," sent on 5 December 2019 at 16h24 CET.

Respectfully submitted,



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Hon. Krispus Ayena Odongo  
On behalf of Dominic Ongwen

Dated this 6<sup>th</sup> day of December, 2019