

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: **10 August 2020**

**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**

**Second Public Redacted Version of “Defence Notification Pursuant to Rule 79(2) of the Rules of Procedure and Evidence”, filed on 9 August 2016**

**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  
Colin Black

**Counsel for the Defence**

Krispus Ayena Odongo  
Chief Charles Achaleke Taku

**Legal Representatives of the Victims**

Joseph Akwenyu Manoba  
Francisco Cox

**Common Legal Representatives of the Victims**

Paolina Massidda

**Unrepresented Victims**

**The Office of Public Counsel for Victims**

Paolina Massidda  
Caroline Walter  
Orchlon Narantsetseg

**The Office of Public Counsel for the Defence**

Xavier-Jean Keïta

**Amicus Curiae**

**REGISTRY**

---

**Registrar**

Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

Nigel Verrill

**Detention Section**

**Victims Participation and Reparations Section Other**

## I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby notifies Trial Chamber IX ('Chamber'), the Prosecution and the Legal Representatives for Victims<sup>1</sup> that the Defence intends to raise the existence of an alibi for the attack on Pajule IDP Camp.

## II. CONFIDENTIALITY LEVEL

2. Pursuant to Regulation 23*bis*(1) of the Regulations of the Court, the Defence files this notification as confidential. To preserve evidence whilst the Defence conducts its investigations, the Defence requests the details of the alibi remain confidential until such time that it has thoroughly research and investigated all aspects of the attack on Pajule IDP Camp on 10 October 2003. A public redacted version will be filed on 10 August 2016.

## III. NOTIFICATION

3. The Defence hereby notifies the Chamber, Prosecution and Legal Representatives for Victims that the Defence intends to present a defence of alibi for the attack at Pajule IDP Camp.
4. At the time of the Pajule IDP Camp attack, Mr Ongwen was under detention by the LRA, and more specifically, Mr Otti Vincent. Whilst the Defence does not acknowledge any sort of hierarchal command structure of the LRA, Mr Ongwen did not have the capacity to participate or command in the attack.
5. As tentative witnesses for the defence of alibi, the Defence mentions Mr Opio Sam, witness D26-0025, who was with Mr Ongwen at Latanya Hill and [REDACTED], D26-0030.

---

<sup>1</sup> The Defence uses this phrase to encompass both the Common Legal Representative for Victims and the Legal Representative for the Victims.

#### IV. CONCLUSION

6. The Defence for Dominic Ongwen ('Defence') hereby notifies Trial Chamber IX ('Chamber'), the Prosecution and the Legal Representatives for Victims that the Defence intends to raise the existence of an alibi for the attack on Pajule IDP Camp.

Respectfully submitted,



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

Dated this 10<sup>th</sup> day of August, 2020

At Kampala, Uganda