

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 August 2016

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 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
Benjamin Gumpert, QC

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
Jane Adong

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

Herman Von Hebel

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 Victims¹ 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 23bis(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. [REDACTED].

¹ 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 10th day of August, 2016

At Kampala, Uganda