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No.: ICC-02/04-01/15
Date: 26 September 2016

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Single Judge

**SITUATION IN UGANDA
IN THE CASE OF *THE PROSECUTOR v. DOMINIC ONGWEN***

Public

Order Requesting Observations on Dominic Ongwen's Detention

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Benjamin Gumpert

Counsel for the Defence

Krispus Ayena Odongo

Legal Representatives of the Victims

Joseph Akwenyu Manoba
and Francisco Cox
Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber IX ('Single Judge' and 'Chamber', respectively) of the International Criminal Court, in the case of *The Prosecutor v. Dominic Ongwen* having regard to Article 60(3) of the Rome Statute ('Statute') and Rule 118(2) of the Rules of Procedure and Evidence ('Rules'), issues the following 'Order Requesting Observations on Dominic Ongwen's Detention'.

1. On 27 November 2015, the Single Judge of the Pre-Trial Chamber ('PTC Single Judge') issued the 'Decision on the "Defence Request for the Interim Release of Dominic Ongwen"' ('Interim Release Decision'),¹ rejecting the Defence request that Mr Ongwen be released, and specifying the reasons why his detention was warranted, pursuant to Article 58(1)(b)(i) and (ii) of the Statute.²
2. Subsequently, on 23 March 2016, the PTC Single Judge issued the first decision reviewing Mr Ongwen's detention, deciding that Mr Ongwen must remain in detention.³
3. On 21 July 2016, the Chamber issued the second decision reviewing Mr Ongwen's detention, finding that there had not been any change in the circumstances requiring modification of the Interim Release Decision.⁴
4. Pursuant to the statutory framework, Mr Ongwen's pre-trial detention shall be reviewed at least every 120 days. The participants shall be given an opportunity to make any observation on his continued detention or release, with or without conditions, including the existence of any changed circumstances.

¹ Decision on 'Defence Request for the Interim Release of Dominic Ongwen', 27 November 2015, ICC-02/04-01/15-349.

² Interim Release Decision, ICC-02/04-01/15-349, paras 14-25.

³ Decision on the Review of Dominic Ongwen's Detention pursuant to Article 60(3) of the Statute, 23 March 2016, ICC-02/04-01/15-421, page 5.

⁴ Decision on the Review of Dominic Ongwen's Detention and on the Restriction on Communication, 21 July 2016, ICC-02/04-01/15-503, paras 10 and 15.

5. Thus, the Single Judge instructs the defence for Dominic Ongwen ('Defence') to submit its observations, if any, on Mr Ongwen's continued detention or release with or without conditions, including the existence of any changed circumstances pursuant to Article 60(3) of the Statute, by 7 October 2016. The Office of the Prosecutor ('Prosecution') and the Legal Representatives of Victims ('Legal Representatives') are to file any observations on Mr Ongwen's continued detention or release, with or without conditions, including the existence of any changed circumstances, by 21 October 2016. Finally, the Defence is to file its response to these observations, if any, by 28 October 2016.
6. Regarding Regulation 51 of the Regulations of the Court, the Single Judge does not anticipate requiring further observations from States beyond those recently received⁵ unless justified by a participant's submissions.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

7. **ORDERS** the Defence to submit any observations on Mr Ongwen's detention by 7 October 2016;
8. **ORDERS** the Prosecution and the Legal Representatives to submit any observations on Mr Ongwen's detention by 21 October 2016; and
9. **ORDERS** the Defence to submit any response to the Prosecution and Legal Representatives' observations on Mr Ongwen's detention by 28 October 2016.

⁵ Transmission of the correspondence from relevant States on the interim release, 12 July 2016, ICC-02/04-01/15-494 (with four confidential annexes).

Done in both English and French, the English version being authoritative.



Judge Bertram Schmitt
Single Judge

Dated 26 September 2016

At The Hague, The Netherlands