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N°: ICC-02/04-01/15

Date: 27 June 2019

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge

SITUATION IN UGANDA

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

Public

With public Annexes I to XI

**Registry's Fifth Report on the Evidence recognised as formally submitted to the
Chamber**

Source: Registry

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 Dominic Ongwen

Mr Krispus Ayena Odongo

Mr Charles Achaleke Taku

Legal Representatives of the Victims

Mr Joseph Akwenu Manoba

Mr Francisco Cox

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

Ms Caroline Walter

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits the present report and its 11 annexes consisting of items recognised as formally submitted as evidence (“Report”), pursuant to the “Initial Directions on the Conduct of the Proceedings” (“Directions”),¹ issued on 13 July 2016 by the Presiding Judge of Trial Chamber IX.

II. Procedural history

2. On 13 July 2016, the Presiding Judge issued the Directions, which adopted, among other guidelines, provisions related to the submission of evidence by email.² The Registry was directed to file in the record of the case reports indicating which items have been formally submitted by all participants in relation to each witness who testifies.³
3. On 31 January 2019, the Defence called its fifteenth witness.⁴ A further 10 witnesses testified between this date and 4 April 2019.
4. With the exception of D-27, D-140, D-136 and D-65 through whom no items of evidence were submitted,⁵ the Chamber recognised as formally submitted certain items of evidence at the request of the parties.⁶ Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails and annex these to the filing.⁷

¹ Trial Chamber IX, “Initial Directions on the Conduct of the Proceedings”, 13 July 2016, ICC-02/04-01/15-497.

² *Ibid.*, para. 27 – 30.

³ *Ibid.*, para. 28(v).

⁴ Transcript of 31 January 2019, ICC-02/04-01/15-T-198-Red-ENG.

⁵ Respectively Annex III - Notification in Absence of Submitted Materials for D-27, Annex VI - Notification in Absence of Submitted Materials for D-140, Annex VII - Notification in Absence of Submitted Materials for D-136 and Annex IX - Notification in Absence of Submitted Materials for D-65.

⁶ Trial Chamber IX, “Initial Directions on the Conduct of the Proceedings”, 13 July 2016, ICC-02/04-01/15-497.

⁷ *Ibid.*, para. 28(v).

III. Applicable law

5. For the purpose of the present submission, the Registry has considered *inter alia* articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

IV. Submission


6. In order to enable the parties and the participants to suggest specific additional redactions, the Registry followed the procedure that was adopted for the purposes of the “Registry’s Report on implementing the ‘Decision on Publicity of the Court Record’”.⁸
7. Hence, the Registry liaised with the Office of the Prosecutor, the Defence, the Office of Public Counsel for Victims and the Legal Representatives of Victims by email.⁹ Redaction proposals were received and considered.¹⁰
8. Accordingly, the Registry applied redactions to emails set forth in the following 11 annexes:
 - **Annex I:** email sent on 06/02/2019, “Decision on Submitted Materials for D-130” at 13:20;
 - **Annex II:** email sent on 06/03/2019, “Decision on Submitted Materials for D-32” at 15:19;
 - **Annex III:** email sent on 22/03/2019, “Notification in Absence of Submitted Materials for D-27” at 19:11;

⁸ Registry, “Registry’s Report implementing the ‘Decision on Publicity of Case Record’”, 22 March 2017, ICC-02/04-01/15-780.

⁹ Emails sent by the Registry Courtroom Officer on 20 June 2019 at 12:52.

¹⁰ The Registry received proposals for further redactions from the Defence on 20 June 2019 at 13:09. No further proposals were received from the Prosecution or participants.

- **Annex IV:** email sent on 22/03/2019, “Decision on Submitted Materials for D-133” at 19:11;
- **Annex V:** email sent on 23/04/2019, “Decision on Submitted Materials for D-131” at 11:08;
- **Annex VI:** email sent on 23/04/2019, “Notification in Absence of Submitted Materials for D-140” at 11:08;
- **Annex VII:** email sent on 23/04/2019, “Notification in Absence of Submitted Materials for D-136” at 11:08;
- **Annex VIII:** email sent on 23/04/2019, “Decision on Submitted Materials for D-92” at 11:08;
- **Annex IX:** email sent on 23/04/2019, “Notification in Absence of Submitted Materials for D-65” at 11:08;
- **Annex X:** email sent on 23/04/2019, “Decision on Submitted Materials for D-92” at 11:08; and
- **Annex XI:** email sent on 23/04/2019, “Decision on Submitted Materials for D-121” at 11:08.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 27 June 2019

At The Hague, The Netherlands