

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: **15 November 2023**

**TRIAL CHAMBER IX**

**Before:**

**Judge Bertram Schmitt, Presiding Judge**

**Judge Péter Kovács**

**Judge Chang-ho Chung**

**SITUATION IN UGANDA**

**IN THE CASE OF**

***THE PROSECUTOR v. DOMINIC ONGWEN***

**CONFIDENTIAL, *ex parte***

**LRV, CLRV, OTP, VPRS and Defence Only**

**Defence Request to Reply to ICC-02/04-01/15-2066-Conf-Exp**

**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**

Karim A.A. Khan, KC, Prosecutor  
Colin Black

**Counsel for the Defence**

Chief Charles Achaleke Taku  
Beth Lyons

**Legal Representatives of the Victims**

Joseph Manoba  
Francisco Cox

**Common Legal Representative for Victims**

Paolina Massidda  
Orchlón Narantsetseg

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

Paolina Massidda

**The Office of Public Counsel for the  
Defence****States' Representatives****Amicus Curiae****REGISTRY**

---

---

**Registrar**

Dr Osvaldo Zavala Giler

**Counsel Support Section****Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations  
Section**

Dr Philipp Ambach

**Trust Fund for Victims**

## I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby requests Trial Chamber IX ('Chamber') for leave to reply to the Legal Representative for Victims ('LRV') filing *Victims' Response to Defence Notification of Potential Issues with Representation of Victims*.<sup>1</sup>
2. The Defence seeks permission to respond to the LRV's bizarre accusation that the Defence's annexes are not authentic. Should the Chamber grant the Defence leave to reply, it shall supply the Chamber with certified documents of those found in Annexes A-D of Defence filing ICC-02/04-01/15-2063.

## II. CONFIDENTIALITY

3. Pursuant to Regulation 23 *bis*(2) of the Regulations of the Court ('RoC'), the Defence files this request to reply as CONFIDENTIAL, *ex parte*, LRV, CLRV, VPRS, OTP and Defence only.

## III. SUBMISSIONS

4. Pursuant to Regulation 24(5) Of the RoC, a request to reply should "be limited to new issues raised in the response which the replying participant could not reasonably have anticipated". As previously instructed by the Chamber, a request to reply cannot contain substantive arguments,<sup>2</sup> and all substantive arguments shall be argued in the reply, should it be granted.
5. The Defence seeks a right to reply for two reasons:
  - a. It seeks to submit to the Chamber certified documents as explained by the LRV and
  - b. It seeks to address the issue as to why an officer of the ICC and the court of the Republic of Uganda challenged the Defence's professionalism by calling into question documents which could have been easily verified with the High Court in Lira.
6. The Defence could not have reasonably anticipated that the LRV would have made such accusations. The Defence, absent its former lead counsel, has attempted to be forthright, open,

---

<sup>1</sup> Trial Chamber IX, *Victims' Response to Defence Notification of Potential Issues with Representation of Victims*, ICC-02/04-01/15-2066-Conf-Exp.

<sup>2</sup> Trial Chamber IX, *Decision on Request for Reports on the Resources of the Parties to the Case and Order for Additional Resources to the Defence*, [ICC-02/04-01/15-1114](#), fn. 9.

professional and honest in its relations with the Chamber and the Court. Should leave be granted, the Defence shall expound upon this issue.

#### IV. REQUEST

Pursuant to Regulation 24(5) of the Regulations of the Court, the Defence requests leave to reply to the Legal Representatives for Victims to supply Trial Chamber IX with certified documents of those found in Annexes A-D of Defence filing ICC-02/04-01/15-2063 and give comments related to the LRV's accusations as to the authenticity of the documents.

Respectfully submitted,



.....  
Chief Charles Achaleke Taku  
On behalf of Dominic Ongwen

Dated this 15<sup>th</sup> day of November, 2023  
At Maryland, United States