

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: **22 August 2019**

**TRIAL CHAMBER IX**

**Before:** Judge Bertram Schmitt, Presiding Judge  
Judge Péter Kovács  
Judge Raul C. Pangalangan

**SITUATION IN UGANDA**

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

**PUBLIC**

**Motion for Clarification Regarding Trial Chamber IX's 'Order Setting a Deadline for  
Evidence Related Requests'**

**Source: Defence for Mr Dominic Ongwen**

**Document 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 Mr Dominic Ongwen**

Mr Krispus Ayena Odongo  
Mr Charles Achaleke Taku  
Ms Beth Lyons

**Legal Representatives of Victims**

Mr Joseph Akwenyu Manoba  
Mr Francisco Cox

**Common Legal Representative for Victims**

Ms Paolina Massidda  
Ms Jane Adong

**REGISTRY**

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**Registrar**

Peter Lewis

## I. SUBMISSIONS

1. The Defence for Mr Dominic Ongwen ('Defence') seeks clarification regarding Trial Chamber IX's ('TC IX') 'Order Setting a Deadline for Evidence Related Requests' ('Order').<sup>1</sup>
2. TC IX found that "[i]n order to facilitate the fair and expeditious conduct of the rest of the proceedings and provide the parties and participants with sufficient time, the Single Judge considers it appropriate to set a deadline for any outstanding motions which concern new requests related to the introduction of evidence or any other matter concerning evidence at this stage of the proceedings." Consequently, TC IX ordered, to the extent possible, "the parties and participants to file any request related to evidence at this stage of proceedings by 30 September 2019."<sup>2</sup>
3. First, the Defence seeks clarification as to what does the order "new requests related to the introduction of evidence or any other matter concerning evidence at this stage of proceedings" entail? It is unclear to the Defence, for example, whether the order includes:
  - ) Requests for leave to add new items to the Defence's list of evidence;
  - ) Requests for leave to add new witnesses to the Defence's list of witnesses;
  - ) Requests to submit items of evidence into evidence *via* 'Bar Table Motions';
  - ) Applications for introduction of prior recorded testimony under Rule 68(2)(b) of the Rules of Procedure and Evidence.
4. Second, if TC IX grants the Prosecution's requests for rebuttal evidence, the Defence may have to seek leave to present evidence in its rejoinder.
5. Third, the Defence notes that the trial is not yet finished and it reserves the right to file additional requests regarding evidence as needed.

## II. REMEDY SOUGHT

6. For the reasons stated above, the Defence respectfully requests that TC IX provide:

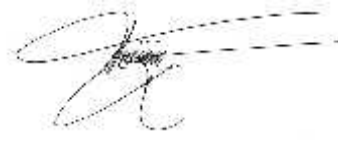
### A) Clarification of its Order.

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<sup>1</sup> *Ongwen*, Order Setting a Deadline for Evidence Related Requests, [ICC-02/04-01/15-1570](#), 21 August 2019.

<sup>2</sup> Order, paras 6-7.

Respectfully submitted,



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

Dated this 22<sup>nd</sup> day of August, 2019  
At Kampala, Uganda