

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 May 2016

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN UGANDA

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

Public

Order Scheduling First Status Conference and Other Matters

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 Victims

Joseph Akwenyu Manoba and Francisco
Cox
Paolina Massidda

Legal Representatives of 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

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Isabelle Guibal

Others

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber IX ('Single Judge' and 'Chamber', respectively) of the International Criminal Court issues the following 'Order Scheduling First Status Conference and Other Matters', in the case of *The Prosecutor v. Dominic Ongwen*, having regard to Article 64(2) and (3) of the Rome Statute (the 'Statute'), Rule 132(1) of the Rules of Procedure and Evidence (the 'Rules') and Regulation 54 of the Regulations of the Court.

1. In order to set the date of the trial, the Single Judge convenes a status conference on **23 May 2016**.
2. In order to facilitate the preparation of this status conference, the Single Judge seeks submissions from the participants on certain potential agenda items. At the outset, the Single Judge emphasises that the list below is without prejudice to how it may address these matters during the trial phase of proceedings.
3. Accordingly, submissions are sought on the following:
 - a) Disclosure of any outstanding material in the Prosecution's possession.
 - b) Estimated number of: (i) witnesses and any known protection issues, including liaising with the Victims and Witnesses Unit and any possible referrals to the Court's witness protection programme; (ii) hours required for the parties to present their evidence and (iii) documentary and other non-testimonial evidence to be relied upon at trial. This item is primarily addressed to the Office of the Prosecutor - the Defence is not obliged to provide this information at this time unless they wish to do so.
 - c) Languages to be used in the proceedings - in particular, the languages spoken by the witnesses the parties intend to call.
 - d) Estimated length of opening statements.
 - e) The time required for the preparation of a pre-trial brief.

- f) New victim applications for participation which have been received since the confirmation proceedings deadline, and how many more are expected in the near future.
- g) Commencement date of the trial. In this respect, the Single Judge informs the participants that the Chamber is resolved to commence this trial before the end of this year.
- h) Any other matters.

4. Noting the terms of Article 64(8)(b) of the Statute and Rule 140(1) of the Rules,¹ the Single Judge emphasises at the outset that he intends to issue directions in due course on a variety of matters pursuant to Article 64(8)(b) of the Statute. The Chamber may take into account the submissions of the parties on these matters, but reserves the right to give directions in such a manner so as to comply with the principles of expeditiousness and fairness. Such directions may include those in relation to: (i) disclosure modalities;² (ii) auxiliary documents;³ (iii) witness preparation;⁴ and (iv) admissibility of evidence.⁵ The Single Judge also confirms that, unless otherwise indicated, the procedures adopted by the Pre-Trial Chamber remain in place as regards: (i) the e-court protocol;⁶ (ii) redactions;⁷ (iii)

¹ Article 64(8)(b) of the Statute provides that '[a]t the trial, the presiding judge may give directions for the conduct of the proceedings, including to ensure that they are conducted in a fair and impartial manner'. Further, Rule 140(1) of the Rules provides that '[i]f the Presiding Judge does not give directions under article 64, paragraph 8, the Prosecutor and the defence shall agree on the order and manner in which the evidence shall be submitted to the Trial Chamber. If no agreement can be reached, the Presiding Judge shall issue directions'.

² Trial Chamber VII, *The Prosecutor v. Jean-Pierre Bemba et al.* ('*Bemba et al.*'), Decision on Modalities of Disclosure, 22 May 2015, ICC-01/05-01/13-959, paras 23-46.

³ Trial Chamber VII, *Bemba et al.*, Decision on the Submission of Auxiliary Documents, 10 June 2015, ICC-01/05-01/13-992.

⁴ Trial Chamber VII, *Bemba et al.*, Decision on Witness Preparation and Familiarisation, 15 September 2015, ICC-01/05-01/13-1252.

⁵ Trial Chamber VII, *Bemba et al.*, Decision on Prosecution Requests for Admission of Documentary Evidence (ICC-01/05-01/13-1013-Red, ICC-01/05-01/13-1113-Red, ICC-01/05-01/13-1170-Conf), 24 September 2015, ICC-01/05-01/13-1285; Trial Chamber VII, *Bemba et al.*, Further Direction on Submitting Evidence by Email, 26 October 2015, ICC-01/05-01/13-1423.

⁶ Annex 1 to the Decision Setting the Regime for Evidence Disclosure and Other Related Matters, 27 February 2015, ICC-02/04-01/15-203-Anx1.

⁷ Decision on issues related to disclosure and exceptions thereto, 23 April 2015, ICC-02/04-01/15-224.

handling confidential information and contacting witnesses of other participants;⁸
and (iv) evaluating victim applications.⁹

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

CONVENES a status conference on 23 May 2016; and

ORDERS the participants and Registry to provide submissions on the items set out in paragraph 3 above by 16:00 on Wednesday, 18 May 2016.

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

A handwritten signature in black ink, appearing to read 'Bertram Schmitt', is written over a horizontal line.

Judge Bertram Schmitt, Single Judge

Dated 4 May 2016

At The Hague, The Netherlands

⁸ Order concerning the modalities for the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant, 11 November 2015, ICC-02/04-01/15-339 (with annex).

⁹ Decision concerning the procedure for admission of victims to participate in the proceedings in the present case, 3 September 2015, ICC-02/04-01/15-299.