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

Date: 17 June 2016

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN UGANDA

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

Public

Decision on the 'Defence Request for Variation of the Time Limit for its Response to the Prosecution's Request Pursuant to Rule 68(2)(b) of the Rules'

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, having regard to Regulation 35 of the Regulations of the Court ('Regulations'), issues the following 'Decision on the "Defence Request for Variation of the Time Limit for its Response to the Prosecution's Request Pursuant to Rule 68(2)(b) of the Rules"' in the case of *The Prosecutor v. Dominic Ongwen*.

1. On 14 June 2016, the Prosecution filed an application for the introduction of the previously recorded testimony of 38 witnesses pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence ('Rule 68 Application').¹ The time limit for the Defence and the legal representatives of the participating victims to file their responses is 6 July 2016.²
2. On 16 June 2016, the Defence filed a request for an extension of the time limit to respond to the Rule 68 Application, seeking that the time limit for the Defence, and, 'by proxy', the legal representatives of victims, to file their responses to the Rule 68 Application be extended to 26 July 2016 ('Request').³ On the same day, the Common Legal Representative of 592 victims requested to be given the same extension of time should the Defence Request be granted, in light of the amount of material to be reviewed for the purpose of responding to the Rule 68 Application.⁴
3. The Single Judge notes the Defence submissions that the requested extension of time is warranted given the broad scope of the Rule 68 Application and the high workload it is facing at this stage of the proceedings.⁵ The Defence also informs the Single Judge that the Prosecution and the legal representatives of victims were informed by the Defence in advance of the upcoming request for extension

¹ ICC-02/04-01/15-465-Conf. A corrigendum was filed on 17 June 2016: ICC-02/04-01/15-465-Conf-Corr.

² Regulation 34(b) of the Regulations.

³ ICC-02/04-01/15-470. A corrigendum was filed on the same day: ICC-02/04-01/15-470-Corr.

⁴ Email to the Chamber from the Common Legal Representative of Victims on 17 June 2016 at 14.28.

⁵ Request, ICC-02/04-01/15-470-Corr, paras 8-12.

of time and stated that they had no objections.⁶ In light of this and considering that allowing the Defence until 26 July 2016 to respond to the Rule 68 Application does not adversely affect the fair and expeditious conduct of the proceedings or the Chamber's management powers for the purpose of the present trial, the Single Judge considers that the Request can be granted. Since no prejudice arises from according the same extension of time to the legal representatives of victims, the time limit for responses to the Rule 68 Application is varied also to their benefit.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Defence and the legal representatives of the participating victims until 16.00 on 26 July 2016 to file any response to the 'Prosecution's request for introduction of previously recorded testimony pursuant to rule 68(2)(b) of the Rules' (ICC-02/04-01/15-465-Conf-Corr).

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



Judge Bertram Schmitt
Single Judge

Dated 17 June 2016

At The Hague, The Netherlands

⁶ Request, ICC-02/04-01/15-470-Corr, para. 5. The Common Legal Representative of Victims, in her email to the Chamber of 17 June 2016 at 14.28, confirmed that she does not oppose the Request.