

Initial Appearance

(Open Session)

ICC-02/04-01/05

1 International Criminal Court  
2 Pre-Trial Chamber II - Courtroom 2  
3 Situation: Uganda  
4 In the case of The Prosecutor v. Joseph Kony,  
5 Vincent Otti, Okot Odhiambo and Dominic Ongwen - ICC-02/04-01/05  
6 Single Judge Ekaterina Trendafilova  
7 Initial Appearance  
8 Monday, 26 January 2015  
9 (The hearing starts in open session at 2 p.m.)  
10 THE COURT USHER: All rise.  
11 The International Criminal Court is now in session.  
12 SINGLE JUDGE TRENDAFILOVA: Good afternoon to everyone. Please be seated.  
13 The hearing on the initial appearance is now in session.  
14 I would like to welcome everyone who is here today in the courtroom.  
15 Mr Ongwen, good afternoon, and welcome to this hearing.  
16 I also greet the Prosecutor and her team and also the duty counsel for Mr Ongwen.  
17 Also I welcome the Registrar and his team.  
18 I would extend my welcome also to the interpreters, to the court reporters, to the  
19 courtroom staff behind the scene offering IT and audiovisual support and the security  
20 officers, all of whom are diligently assisting us all in our work.  
21 Finally, I greet those in the public gallery and outside the court who join us here this  
22 afternoon.  
23 Before we resort to the actual subject matter of the initial hearing today, I would like  
24 to recall that the Chamber has authorised video recording and taking of photographs  
25 for one minute and a half, no longer.

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1 Accordingly, I will ask the court officer to please usher the photographers and  
2 cameramen, if any, into the courtroom. Thank you.

3 You have one minute and a half to do your job. Please proceed.

4 (Pause in proceedings)

5 SINGLE JUDGE TRENDAFILOVA: You may leave the courtroom. Good  
6 afternoon.

7 At this point I would like to invite the parties and the Registrar to introduce  
8 themselves.

9 Beginning as always in the proceedings before the ICC with the Office of the  
10 Prosecutor. For the record I ask you, Madam Prosecutor, to introduce yourself and  
11 the members of your team who are joining you today.

12 MS BENSOUDA: Thank you, Madam President. Madam President, the Office of  
13 the Prosecutor is represented this afternoon by Mr James Stewart, Deputy Prosecutor;  
14 Ben Gumpert, senior trial lawyer; Phakiso Mochochoko, director of Jurisdiction,  
15 Complementarity and Cooperation Division; Dianne Luping, trial lawyer; Pubudu  
16 Sachithanadan, trial lawyer; Kamran Choudhry, international cooperation advisor;  
17 and Douglas Grieve, acting case manager. Thank you.

18 SINGLE JUDGE TRENDAFILOVA: Thank you very much, Madam Prosecutor.  
19 Now I turn to the duty counsel for Mr Ongwen. You are invited to take the floor  
20 and to present yourself to the Court. And I do not see that you are joined by  
21 members of your team.

22 MS CISSÉ: Thank you, Madam President. I shall speak in English in order to  
23 facilitate a direct translation into Acholi for Mr Dominic Ongwen.

24 SINGLE JUDGE TRENDAFILOVA: Thank you.

25 MS CISSÉ: I am Mrs Hélène Cissé from the Bar of Senegal since 1982 and I am also

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1 an ICC counsel practising in some cases under the jurisdiction of this Court since 2009.

2 And I am standing in this courtroom today for the defence of Mr Dominic Ongwen as

3 in my capacity of duty counsel and it's a great honour for me. Thank you.

4 SINGLE JUDGE TRENDAFILOVA: Thank you very much, Ms Cissé.

5 Now, Mr Registrar, it's your turn.

6 MR VON HEBEL: Thank you, your Honour. I am Herman von Hebel, the

7 Registrar, and with me Marc Dubuisson, director of Court Services.

8 SINGLE JUDGE TRENDAFILOVA: Thank you very much.

9 Finally, I have to introduce myself and the legal support staff in this case.

10 My name is Ekaterina Trendafilova. I'm the Presiding Judge of Pre-Trial Chamber II

11 and also the Single Judge in this case as designated by the full Chamber with the

12 decision of 21 January 2015.

13 I will exercise all functions of the Pre-Trial Chamber with the exceptions of those

14 functions that are mandatorily under the statutory provisions to be taken by the full

15 Chamber, and this is provided in Article 57(2)(a) of the Rome Statute.

16 The other two members of Pre-Trial Chamber II are Judges Cuno Tarfusser and

17 Christine van den Wyngaert who are not present in the courtroom today.

18 To my left seated are the senior legal adviser of the Pre-Trial Division, Mr Gilbert Bitti,

19 and legal officer Mohamed El Zeidy. Further to my left is legal officer Eleni

20 Chaitidou and associate legal officer Niccolo Pons. Also in the courtroom are Manon

21 Hennis and Laura Similowski, the interns of the Pre-Trial Division.

22 Now I turn to the suspect, Mr Ongwen.

23 Mr Ongwen, please stand up and identify yourself to the Court. In particular, I

24 invite you to tell us your full name, your date and place of birth and finally your

25 current profession. I would ask you to please speak slowly as to allow the

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1 interpreters to do their job to translate. Switch on your microphone before you  
2 speak. The floor is over to you.

3 What is your full name, date and place of birth and current profession?

4 MR ONGWEN: (Interpretation) Thank you. First of all, I would like to thank  
5 God for creating heaven and earth together with everybody that's on earth. My  
6 name is Dominic Ongwen, WaiWai. I'm a Uganda citizen from Northern Uganda.  
7 I'm from Gulu in Northern Uganda in Amuru district, Kilak county, a small place  
8 called Coorom. I was born in 1975. I was abducted in 1988 and I was taken to the  
9 bush when I was 14 years old up 'til now I'm before you present at the ICC, and  
10 I would like to thank you very much to meet you, to see you and to meet you at this  
11 time.

12 Since my arrival, I've been informed that I've been brought to the ICC because of  
13 crimes --

14 SINGLE JUDGE TRENDAFILOVA: Just a moment. Mr Ongwen, now my question  
15 is limited just to what you have already informed the Chamber apart from if you can  
16 tell me --

17 MR ONGWEN: (Speaks English) Okay.

18 SINGLE JUDGE TRENDAFILOVA: -- what is your current profession.

19 MR ONGWEN: (Interpretation) Right now I'm unemployed.

20 SINGLE JUDGE TRENDAFILOVA: And before --

21 MR ONGWEN: (Interpretation) And that's all.

22 SINGLE JUDGE TRENDAFILOVA: And before you appeared before the Court, if  
23 you could give me this information.

24 MR ONGWEN: (Interpretation) Prior to my arrival at the Court, I was a soldier in  
25 the -- in the LRA.

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1 SINGLE JUDGE TRENDAFILOVA: Thank you very much. You may be seated,  
2 Mr Ongwen.

3 MR ONGWEN: (Speaks English) Thank you.

4 SINGLE JUDGE TRENDAFILOVA: At this point I have to address the issue of your  
5 language proficiency, Mr Ongwen. The Chamber has already received a report from  
6 the Registry last Friday indicating your language proficiency.

7 Still, during this initial appearance, I have to hear from you personally, Mr Ongwen,  
8 whether you fully understand and speak either of the two working languages of this  
9 Court, French or English, or any other language and which is that language.

10 Although we have already heard your answers, thanks to the support of an  
11 interpreter, but I need to hear from you as well what is the language that you fully  
12 understand and speak. Mr Ongwen, would you respond to this question?

13 MR ONGWEN: (Interpretation) The language I'm proficient in is Luo and that is  
14 Acholi.

15 SINGLE JUDGE TRENDAFILOVA: Thank you very much. You may be seated.  
16 Again from the report of the Registrar from last Friday, the Chamber was informed  
17 that you have been provided with the services of an Acholi interpreter who is  
18 obviously assisting us today during this hearing. I would like to thank the Registrar  
19 for making these arrangements because these arrangements are vital to one of the  
20 fundamental rights provided to Mr Ongwen by virtue of Article 67(1)(a) consistent  
21 with international human rights standards. And I am fully satisfied now, duly  
22 satisfied, that this right of the suspect is safeguarded. The only point that I would  
23 like to make that language arrangements should be sustained, these language  
24 arrangements, for the whole duration of the proceedings before the Court so that the  
25 requirements of fairness of the proceedings are met.

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1 Having dispensed with the necessary preliminary matters, I will shortly explain the  
2 nature and the purpose of the initial appearance which is meant to be informative for  
3 Mr Ongwen and also for everyone in attendance today in and outside the courtroom.  
4 Elucidating the nature and purpose of today's hearing should also serve another  
5 objective and it is to guide the parties to strictly adhere to the subject matter of the  
6 initial appearance and to refrain from engaging in issues which are extraneous to it.

7 I have a question to the interpreter. Do I speak sufficiently slow as to allow the  
8 interpreter to do his or her job?

9 THE INTERPRETER: You do, your Honour.

10 SINGLE JUDGE TRENDAFILOVA: Thank you.

11 In particular, for Mr Ongwen, who is not familiar with the procedure established  
12 under the Rome Statute, I should underline that the initial appearance is neither a trial  
13 nor a confirmation hearing. No evidence will be presented or collected today. Nor  
14 will the issue of guilt or innocence be addressed, contemplated or decided upon.  
15 The nature and purpose of today's hearing is governed by two provisions, two  
16 statutory provisions, namely, Article 60(1) of the Rome Statute and Rule 121(1) of the  
17 Rules of Procedure and Evidence, which delineate the limited scope of the initial  
18 appearance. Thus, today the Chamber must satisfy itself that:

19 First, you, Mr Ongwen, are informed of the crimes which you are alleged to have  
20 committed; second, that you are also informed of your rights under the statutory  
21 documents of the International Criminal Court; and finally, the Pre-Trial Chamber  
22 must set up the date on which it intends to hold the confirmation of charges hearing  
23 pursuant to which the Pre-Trial Chamber in its full composition is going either to  
24 confirm or to decline to confirm the charges brought against you in the case pending  
25 before Pre-Trial Chamber II.

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1 Therefore, now I will proceed consecutively with the three issues shaping the subject  
2 matter of today's initial appearance.

3 First, this is the knowledge of the charges of the counts that Mr Ongwen has to be  
4 informed about.

5 I would like to ask the court officer at this juncture to read out the counts as presented  
6 in the public redacted version of the warrant of arrest against Mr Ongwen which was  
7 issued on 8 July 2005.

8 THE COURT OFFICER: Thank you, your Honour.

9 Pursuant to the public redacted version of the warrant of arrest, registered as  
10 ICC-02/04-01/05-57, dated 8 July 2005, Pre-Trial Chamber II concluded that there are  
11 reasonable grounds to believe that Mr Dominic Ongwen, together with other persons  
12 whose arrests are sought by the Prosecutor, ordered the commission of crimes within  
13 the jurisdiction of the Court, namely, crimes against humanity and war crimes,  
14 particulars of which are set out in the following counts:

15 First Count: In 2004, Mr Ongwen ordered the commission of murder as a crime  
16 against humanity which in fact occurred, namely, the unlawful killings of civilian  
17 residents of IDP Camp in Uganda pursuant to Articles 7(1)(a) and 25(3)(b) of the  
18 Statute;

19 Second Count: In 2004, Mr Ongwen ordered the commission of enslavement as a  
20 crime against humanity which in fact occurred, namely, the enslavement of civilian  
21 residents of IDP Camp in Uganda pursuant to Articles 7(1)(c) and 25(3)(b) of the  
22 Statute.

23 THE INTERPRETER: Could the court officer be asked to slow down, please.

24 THE COURT OFFICER: Third Count.

25 SINGLE JUDGE TRENDAFILOVA: Sorry, would you slow down, please.

1 THE COURT OFFICER: Yes, of course.

2 SINGLE JUDGE TRENDAFILOVA: This is a request from the booth.

3 THE COURT OFFICER: So I repeat the third count.

4 In 2004, Mr Ongwen ordered the commission of inhumane acts as a crime against  
5 humanity which in fact occurred, namely, the inhumane acts of inflicting serious  
6 bodily injury and suffering upon civilian residents of IDP Camp in Uganda pursuant  
7 to Articles 7(1)(k) and 25(3)(b) of the Statute;

8 Fourth Count: In 2004, Mr Ongwen ordered the commission of murder as a war  
9 crime which in fact occurred, namely, the killings of civilian residents of IDP Camp in  
10 Uganda pursuant to Articles 8(2)(c)(i) and 25(3)(b) of the Statute;

11 Fifth Count: In 2004, Mr Ongwen ordered the commission of cruel treatment as a  
12 war crime which in fact occurred, namely, the cruel treatment of civilian residents of  
13 IDP Camp in Uganda pursuant to Articles 8(2)(c)(i) and 25(3)(b) of the Statute;

14 Sixth Count: In 2004, Mr Ongwen ordered the commission of attack against the  
15 civilian population as a war crime which in fact occurred, namely, the intentional  
16 directing of attacks against the civilian population of IDP Camp and against  
17 individual civilians not taking direct part in hostilities in Uganda pursuant to Articles  
18 8(2)(e)(i) and 25(3)(b) of the Statute;

19 And finally the Seventh Count: In 2004, Mr Ongwen ordered the commission of  
20 pillaging as a war crime which in fact occurred, namely, the pillaging of IDP Camp in  
21 Uganda pursuant to Articles 8(2)(e)(v) and 25(3)(b) of the Statute.

22 SINGLE JUDGE TRENDAFILOVA: Thank you, court officer. You may be seated.

23 Before I proceed further, I should clarify to Mr Ongwen and to his Defence lawyer  
24 that the counts read out right now are those appearing in the warrant of arrest

25 provided to Mr Ongwen and his Defence counsel numbered as count 27, 28, 29, 30, 31,



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1 32 and 33. This is the order of the counts presented in the Prosecutor's application to  
2 the Pre-Trial Chamber for issuing warrants of arrest.

3 After this clarification on my part, I would like to ask Mr Ongwen whether he has  
4 been informed of the crimes set out in the warrant of arrest, which according to the  
5 Prosecutor he has allegedly committed.

6 But before that, I will still refer and recall some information that is available to the  
7 Chamber in this regard and on that basis I would like to hear from you your answer.

8 Again, I'm going to refer to the very useful report prepared by the Registrar and his  
9 team from last Friday according to which Mr Ongwen has been provided with the  
10 warrant of arrest in two languages, in Acholi and English language, and you had  
11 sufficient time to acquaint yourself with the content of the arrest warrant for the  
12 limited purpose of today's hearing.

13 In addition, the Registrar again has appointed Madame H el ene Ciss e as Defence  
14 counsel who has been assigned to assist Mr Ongwen before and during today's initial  
15 appearance, which in my view suggests that she has been providing clarification  
16 concerning the counts contained in the arrest warrant against Mr Ongwen, of course  
17 to the extent necessary for the purposes of today's hearing.

18 Having provided the information to the Defence of Mr Ongwen and to Mr Ongwen  
19 himself, which is available to the Chamber before this hearing, I would still ask  
20 Mr Ongwen to take the floor and personally in this public initial appearance hearing  
21 to state whether he has been informed of the crimes that he is alleged to have  
22 committed.

23 Mr Ongwen, would you please take the floor.

24 Have you been informed, I repeat again, of the crimes you are alleged to have  
25 committed?

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1 MR ONGWEN: (Interpretation) I have been informed.

2 SINGLE JUDGE TRENDAFILOVA: Thank you very much. This suffices for the  
3 moment.

4 Now I come to the second issue that falls within the scope of today's initial  
5 appearance. Actually the issue of whether the suspect has knowledge of the rights  
6 that are accorded to any suspect before the International Criminal Court.

7 Before I hand over the floor to Mr Ongwen, I will again refer to the report of the  
8 Registry whereby an important information has been provided to the Chamber,  
9 namely, that you, Mr Ongwen, signed a declaration confirming your consent to  
10 voluntarily appear before the International Criminal Court and you were transferred  
11 to the custody of the Court on Friday, 16 January 2015 in Bangui Central African  
12 Republic, where you met, in the presence of Ms H el ene Ciss e, representatives of the  
13 Registrar. They provided you with the warrant of arrest together with its annex  
14 which contains all rights accorded to you as a suspect before this institution by the  
15 Rome Statute, the Rules of Procedure and Evidence.

16 Second, you met again with representatives of the Registrar upon your arrival at the  
17 detention centre in The Hague and you were informed again with the assistance of an  
18 Acholi interpreter of your rights granted by the Rome Statute and other statutory  
19 documents.

20 In regard of your rights, I would refer to the meetings that you had with Ms H el ene  
21 Ciss e in Bangui and here in The Hague. Thus, it is assumed that in these meetings  
22 the issues that you are discussing today have been addressed and in particular the  
23 rights you enjoy as a suspect before the ICC.

24 Regardless of this information, I will still need your personal answer during this  
25 public initial appearance hearing whether you have knowledge of the rights that you

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1 are granted as a suspect in the proceedings before the International Criminal Court.

2 What is your answer to this question, Mr Ongwen?

3 MR ONGWEN: (Interpretation) I have been informed of all my rights. Correctly

4 I am informed.

5 SINGLE JUDGE TRENDAFILOVA: Thank you very much. You may be seated.

6 Notwithstanding this answer, I seize this moment to recall at the initial appearance,

7 albeit not exhaustively, your rights, which are central to the conduct of the

8 proceedings before the International Criminal Court.

9 The statutory regime of this Court, in accordance and consistent with internationally

10 recognized human rights, afford the suspect the following rights:

11 Mr Ongwen, you will be presumed innocent until proven guilty beyond reasonable

12 doubt at trial with the burden firmly placed on the Prosecutor to prove your guilt.

13 In line with this right, there cannot be a reversal of the burden of proof or any onus of

14 rebuttal.

15 Next, you have the right to be informed promptly and in detail of the nature, cause

16 and content of the charges in a language which you fully understand and speak,

17 which in this case I understand is Luo or Acholi, as you clarified. This is an

18 obligation entrusted on the Court which has already been triggered as soon as you

19 came into the custody of the Court.

20 Next, you will have adequate time and facilities for the preparation of your defence.

21 Also, you have the right to receive material which shows or tends to show your

22 innocence or to mitigate your guilt or also which may affect the credibility of

23 incriminating evidence.

24 You may put questions to and examine witnesses. This duly applies to the

25 confirmation of charges hearing if the parties would request and the Chamber will

1 agree to have the presence of live witnesses.

2 You may make also unsworn oral and written statements in your defence.

3 You have the right to be tried without undue delay.

4 You also have the right, at the confirmation of charges hearing, to object to the

5 charges, to challenge the evidence presented by the Prosecutor and to present

6 evidence yourself. There will be no trial in case the charges are not confirmed and

7 the proceedings before the International Criminal Court will be terminated.

8 You are entitled to waive your right to be present at the hearing on the confirmation

9 of charges, Rule 124(1) dictates. However, you should be mindful that the Chamber

10 can order you to appear if it considers necessary and decides to hold the hearing in

11 your absence -- that it cannot hold the hearing in your absence. This is what Rule

12 125(4) dictates.

13 Similarly, you're entitled to waive your right to participate in status conferences.

14 You also have the right to apply for interim release as provided by Article 60 and Rule

15 118(1) of the Rules of Procedure and Evidence.

16 You have the right to appeal certain decisions in accordance with the Statute and the

17 relevant Rules of Procedure and Evidence.

18 And you also have the right to choose your own counsel. That might be Ms Hélène

19 Cissé or anyone else. And this is a decision to be taken by the Registrar, not by the

20 Chamber.

21 The full Chamber and in my capacity as Single Judge in this case will constantly

22 monitor the proper conduct of the proceedings and the discharge of duties central for

23 safeguarding the rights of the suspect.

24 Finally, being satisfied that Mr Ongwen has been informed of the crimes he is alleged

25 to have committed and of his rights as provided by the statutory documents of the

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1 International Criminal Court, I come to the third and last issue on our agenda, namely,  
2 setting the date for the confirmation of charges hearing.

3 The Judges of this Chamber have considered the appropriate date to be set for the  
4 commencement of the confirmation hearing taking into account a number of factors  
5 so that the proceedings unfold efficiently and with due respect for the rights of the  
6 suspect.

7 I will refer just to some of these factors.

8 First and foremost, I should recall that this is the first and oldest case before the  
9 International Criminal Court. In this regard, it is useful to recall some major  
10 procedural developments relevant in the current case.

11 It was on 16 December 2003 when the Republic of Uganda with a letter of referral  
12 seized the International Criminal Court with the, and the quote, "Situation concerning  
13 the Lord's Resistance Army" quotation closed, in Northern and Western Uganda.  
14 Following an investigation conducted by the Office of the Prosecutor, the Prosecutor  
15 of the International Criminal Court applied to the Pre-Trial Chamber for the issuance  
16 of warrants of arrest against five leaders of the Lord's Resistance Army including  
17 Mr Dominic Ongwen. This application was made on 6 May 2005.

18 Having analysed the Prosecutor's application and related material in light of the  
19 conditions that have to be satisfied, all of them or one of them, under Article 58 of the  
20 Rome Statute, on 8 July 2005, the same year, Pre-Trial Chamber II issued a warrant of  
21 arrest against Mr Dominic Ongwen.

22 Thus, since the issuance of this arrest warrant, almost ten years have elapsed.

23 Obviously, this factor will require some period of time for the parties, in particular for  
24 the Prosecutor to organise her office according to these new developments and to  
25 prepare for the confirmation of charges hearing.

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1 The Chamber is mindful that the Defence for Mr Ongwen will also need time to  
2 properly prepare so that it best serves the interests of its client.

3 However, the Judges have equally taken heed of the right of Mr Ongwen to be tried  
4 without undue delay and also of the reasonable time standard as provided for by  
5 international human rights documents which are reflected throughout all statutory  
6 documents of this institution.

7 Accordingly, balancing these two major factors in the case at hand, the Chamber has  
8 decided that provisionally 24 August 2015 is the date for the commencement of the  
9 confirmation hearing. Certainly, depending on the development of the proceedings,  
10 this date may be changed as provided for in Rule 121(7). This could be done by the  
11 Pre-Trial Chamber upon request of either party or both parties or proprio motu on the  
12 motion of the Pre-Trial Chamber itself.

13 So do the parties want to make some comments on this provisional date,  
14 24 August 2015, or at this point in time it suffices?

15 Madam Prosecutor?

16 MS BENSOUDA: No, Madam President, no comments at this time.

17 SINGLE JUDGE TRENDAFILOVA: Thank you very much.

18 Madam Hélène Cissé?

19 MS CISSÉ: Well, I think that the date is good enough for us. As also we refer to the  
20 case of Ntaganda where there are similar circumstances and you gave about six  
21 months or I think seven months, and the parties, the Defence will have the possibility  
22 to file a submission in case there is other needs, so I think it's okay for us, madam.

23 SINGLE JUDGE TRENDAFILOVA: Thank you, Counsel.

24 Before concluding the present hearing, I can proceed with some other organisational  
25 matters.

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1 MS CISSÉ: I'm sorry. I would like very respectfully before you decide to close this  
2 initial appearance hearing --

3 SINGLE JUDGE TRENDAFILOVA: Could I ask you to give you the floor before I  
4 close the hearing.

5 MS CISSÉ: Okay. Sorry.

6 SINGLE JUDGE TRENDAFILOVA: Okay. I would like to inform the parties at this  
7 point in time of the way the Chamber envisages to organise the steps to follow.  
8 First, the Chamber recalls that pursuant to Rule 121(2)(b) of the Rules of Procedure  
9 and Evidence the Pre-Trial Chamber, represented by the Single Judge, shall hold  
10 status conferences to ensure that disclosure takes place under satisfactory conditions,  
11 in a transparent, efficient and expeditious manner. Such status conferences could be  
12 scheduled by the Single Judge again upon my own initiative or upon request by the  
13 parties.

14 In the decision for this initial appearance I have already decided to convene a status  
15 conference with the Prosecutor the day after tomorrow, Wednesday, 28 January 2015,  
16 only in the presence of the Prosecutor in order to discuss some disclosure issues,  
17 evidence issues and mainly protective issues.

18 The team of the Prosecutor has already been invited in the pre-trial courtroom and I  
19 will kindly ask the Registrar to make arrangements for this status conference.

20 Of course this doesn't mean that the Chamber and the Single Judge, myself, is not  
21 going to conduct such status conferences if need be by the Defence upon my own  
22 suggestion or upon the request of Ms Hélène Cissé or any other counsel if she's not to  
23 be extended for the whole duration of the proceedings.

24 So the parties will be ready to respond to decisions of the Chamber convening status  
25 conferences for different issues that need expeditiously to be resolved.

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1 Further, I would like to inform the parties that in due course after this initial  
2 appearance I will issue a set of decisions governing the proceedings that follow in  
3 order to ensure that they unfold properly and expeditiously. More specifically, I can  
4 refer to the following decisions: Decision on the modalities and procedure for  
5 evidence disclosure; second decision establishing calendar for evidence disclosure  
6 between the parties, thereafter the evidence to be communicated to the Chamber; also  
7 in order to organise as smooth properly organised disclosure, a decision on the  
8 principles for redactions will also be prepared in case the Prosecutor or the Defence  
9 will approach the Chamber with request for redactions that the Chamber has to  
10 authorise to the evidence; and decision also on victims participation will follow in  
11 due course.

12 Lastly, I also wish to inform Mr Ongwen that the Chamber is taking steps to make  
13 sure that you will receive the Prosecutor's application for arrest warrant and  
14 supporting material as soon as possible.

15 And in this regard, it will be important also to inform everyone who -- the parties  
16 mainly and everyone who is interested in the proceedings in this case that we have  
17 already started reviewing all 419 documents contained in the case record in order to  
18 decide whether some documents should be reclassified and will issue the Single  
19 Judge or the Chamber accordingly decisions in this regard.

20 Still for clarity purposes, of course I would like to state that the Defence for  
21 Mr Ongwen of course has access to public documents, but this morning the CMS has  
22 been ordered, instructed to provide access to the case record to Ms H el ene Ciss e to  
23 confidential documents and if there are some confidential ex parte Defence only.

24 So this was the additional information that I wanted to provide to the parties and to  
25 everyone else interested in these proceedings, but the Chamber will do its best to do



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1 its proper job so that the proceedings run smoothly and in due course. And on any  
2 issue that the parties need a judicial determination, please do not hesitate to approach  
3 me.

4 Now, Ms H el ene Ciss e, you can address any issue you would like to the Chamber.

5 MS CISS E: Thank you, Madam President. I just want to underline the fact that the  
6 English of Mr Ongwen is just less than basic. He has been abducted on the eve of his  
7 fourteenth year and denied of any access to education, forced to stay more than  
8 20 years in the bush. So it's very important and he is willing to examine carefully all  
9 the files, the proceedings and evidence, and therefore it's crucial for him to get as soon  
10 as possible as he is entitled to do it according the Rome Statute and of the Rules to get  
11 as soon as possible translation into Acholi of all documents of proceedings and  
12 evidence and especially declaration of witness if possible in Acholi audio  
13 transcription.

14 But he can only start to prepare his defence after receiving these documents, so it's  
15 very important that the Registry could take steps in order to start enabling  
16 Mr Ongwen to have access in Acholi to all these documents.

17 Thank you, Madam President.

18 SINGLE JUDGE TRENDAFILOVA: Thank you, Ms Ciss e. This Chamber has  
19 established its approach to the interpretation of the relevant statutory provisions that  
20 you are referring to and I'm going to issue a decision in this regard quite soon and  
21 you will see that the core documents and pieces of evidence in principle are translated  
22 and we are going to discuss this issue because these are the vital rights of Mr Ongwen.  
23 Whether absolutely everything will be translated is an issue on which I'm going to  
24 decide.

25 So are there some other issues to be raised by the parties or by the Registrar? No.

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ICC-02/04-01/05

- 1 Then I would like to thank the parties, the Registrar and his team. I would like also
- 2 to thank as always the interpreters, the court officers, the court reporters, the security
- 3 officers, the court staff.
- 4 Also I would like to thank Mr Ongwen for his respectful behaviour.
- 5 And on this I pronounce the hearing on the initial appearance of Mr Dominic
- 6 Ongwen closed.
- 7 THE COURT USHER: All rise.
- 8 (The hearing ends in open session at 2.47 p.m.)