

ANNEX XXXII

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 23 April 2019 14:38
To: [REDACTED]
 [REDACTED] Trial Chamber IX Communications;
Subject: RE: Request for an authorisation to add new audio tracks to the items previously disclosed and uploaded in E-court

Dear parties,
 Dear colleagues,

In light of the fact presented and considering that the Defence does not object, the Chamber hereby grants the addition of the 12 items into eCourt, as specified in the Prosecution's email below.

Kind regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 23 April 2019 12:51
To: [REDACTED] Trial Chamber IX Communications
Cc: [REDACTED]
Subject: RE: Request for an authorisation to add new audio tracks to the items previously disclosed and uploaded in E-court

Dear Trial Chamber IX,

For posterity, the email attachment from the Defence is correct. As the Prosecution shall not seek to use this material in evidence, the Defence does not object.

Very best,

[REDACTED]

From: [REDACTED]
Sent: 23 April 2019 12:04
To: Trial Chamber IX Communications
Cc: [REDACTED]
Subject: Request for an authorisation to add new audio tracks to the items previously disclosed and uploaded in E-court

Dear Trial Chamber IX,

The Prosecution request the Chamber to authorise the addition of 12 audio tracks derived from eight (08) tapes previously disclosed to be uploaded into E-court system for the accuracy and completeness of the disclosed evidence.

Background information:

During the course of preparing for the testimony of Defence witnesses, the Prosecution discovered that seven (07) audio tracks derived from six (06) tapes were not extracted from the original tapes when those tapes were processed for digital storage and therefore they were not disclosed to the Defence. The specific tapes and tracks are:

- UGA-OTP-0039-0029, Track 02 re-encoded
- UGA-OTP-0047-0050, Track 01 re-encoded
- UGA-OTP-0141-0023, Track 02 re-encoded
- UGA-OTP-0241-0251, Track 01 re-encoded
- UGA-OTP-0241-0251, Track 02 re-encoded
- UGA-OTP-0241-0297, Track 02
- UGA-OTP-0241-0303, Track 02

After discovering this problem and in an effort to ensure the accuracy and completeness of the Prosecution's disclosure of intercept-related material, the Prosecution compared all records of audio-recorded intercepts in its internal database with the same items in eCourt. As a result, the Prosecution further identified five (05) audio tracks derived from a further two (02) tapes in its internal database which were not successfully uploaded into eCourt when the tapes were disclosed in 2015 and 2016. The specific tapes and tracks are:

- UGA-OTP-0039-0029, Track 01
- UGA-OTP-0049-0002, Track 01 re-encoded
- UGA-OTP-0156-0002, Track 01 re-encoded
- UGA-OTP-0241-0257, Track 01 re-encoded
- UGA-OTP-0241-0257, Track 02 re-encoded

On 9 April 2019, the Prosecution disclosed to the Defence the 12 missing audio tracks in rule 77 package 114, recognising and explaining its failure to disclose these tracks as well as apologising for its error in the disclosure letter (first attachment) sent to the Defence.

On 10 April 2019, the eCourt support colleagues explained to the Prosecution that it must seek the Chamber's authorisation to add these 12 newly-disclosed audio tracks to the eight (08) tapes already in eCourt. The eCourt support colleagues's e-mail is also attached to this e-mail (second attachment).

On 15 April 2019, the Prosecution e-mailed the Defence explaining the procedure to be taken and emphasizing that the Prosecution do not seek to rely on these new audio tracks.

On 23 April 2019, the Defence responded saying that they agree with the proposed procedure (third attachment).

Authorisation sought:

With the Defence's consent, the Prosecution request the Chamber to authorise the addition of the 12 newly-disclosed audio tracks to be uploaded into eight (08) tapes already in eCourt for their accuracy and completeness. The Prosecution do not seek to rely on these tracks.

The Prosecution will officially file its request in the case record should the Chamber order it.

Kind regards,



Dévouement - Intégrité - Respect
Dedication - Integrity - Respect

Dévouement - Intégrité - Respect

Dedication - Integrity - Respect