

ANNEX XVI

PUBLIC

[REDACTED]

From:

Sent:

02 May 2018 20:10

To:

Trial Chamber IX Communications

Cc:

[REDACTED]

Subject:

Submission of Evidence used with V40-0003

Dear Trial Chamber IX, Prosecution, and Legal Representatives,

The Defence requests the formal submission of the following items used during its examination of V40-0003 today:

UGA-REG-0001-0050 (annotated image of UGA-D26-0027-0014)

and

UGA-D26-0027-0014

Very best,

[REDACTED]

From: [REDACTED]
Sent: 08 May 2018 13:13
To: [REDACTED] Trial Chamber IX Communications
Cc: [REDACTED]
Subject: RE: Submission of Evidence used with V40-0003

Dear Trial Chamber IX,

Pursuant to ICC-02/04-01/15-497, para. 28(iii) and Rule 64(1) RPE, the LRV's hereby submit their response to the issues raised by the Defence with regard to the relevance of UGA-V40-0003-0008 in an e-mail communication of yesterday 7 May 2018.

The LRVs note that the document in question is strictly linked to the testimony of witness V0003, who testified on the impact of the crimes on education. Moreover, this document and the data in it were put together by witness V0003 himself.

According to the Defence's communication of 7 May 2018, UGA-V40-0003-0008 is irrelevant to the case at hand as it contains no pre-2005 results data and pre-2011 enrolment data. Although the Defence makes no formal request regarding UGA-V40-0003-0008, it claims that lack of this data makes the witness's discussion about the class grades being lower and the class sizes being lower are purely hearsay and of little substance.

The LRVs believe that the relevance of the document, which addresses school enrolments as of 2011 and results for years 2006-2017, is self-evidently relevant to the LRVs case concerning the harm suffered by victims as a result of the LRA attacks charged in the case. UGA-V40-0003-0008 was discussed with the witness during examination in chief to the extent feasible within the timeframe allocated to the LRVs to examine this witness. This document is consistent with and complementary to witness V0003's entire testimony given before the Trial Chamber on May 2, 2018. The fact that UGA-V40-0003-0008 contains no pre-2005 results data and pre-2011 enrolment data does not go against this document's relevance and probative value.

The LRVs further note that the Defence had an opportunity to cross-examine witness V0003 and to discuss with him the issues raised in the Defence's e-mail of 7 May 2018. However, the Defence chose not to put any questions to the witness regarding UGA-V40-0003-0008 and the information contained therein. The Defence should not be permitted to correct this oversight by seeking instead to have the document excluded.

The information contained in document UGA-V40-0003-0008 was put together by the witness, who gave live testimony before the Trial Chamber about the teaching conditions and performance of students in Lukodi school prior to and after 2005. The view of the LRVs is that the document concerned speaks for itself and complements the witness' testimony.

Nothing in the Defence's communication concerning UGA-V40-0003-0008 prevents this document from being admitted into evidence.

Kind regards
 Joseph

From: [REDACTED]
Sent: 07 May 2018 07:16
To: [REDACTED] 'Trial Chamber IX Communications'

Cc: [REDACTED]
[REDACTED]

Subject: RE: Submission of Evidence used with V40-0003

Dear Trial Chamber IX,

Pursuant to ICC-02/04-01/15-497, para. 28(ii) and Rule 64(1) of the RPE, the Defence hereby raises the issue of the relevance of UGA-V40-0003-0008.

UGA-V40-0003-0008 is nearly irrelevant to the case at hand. The statistics for students passing grades start for the 2005 term. There is no data prior to the 2005 term, thus there is no data to demonstrate the claim that passing scores went down. Whilst the witness is privy to information related to the grades of student on the national exams, he did not indicate any of the scores prior to 2005, and no explanation was proffered by the witness as to why he started the list with the term starting in 2005.

Furthermore, the data for class enrolment starts at 2011. There is no data to show what the class enrolment was prior to January 2011. Whilst the witness is privy to information related to the class enrolment prior to 2011, it was not included in the chart he prepared.

Without the pre-2005 and pre-2011 data, the witness's discussion about the class grades being lower and the class sizes being lower are purely hearsay and of little substance. The data provided in UGA-V40-0003-0008 is, simply put, irrelevant.

Very best,

[REDACTED]

From: [REDACTED]
Sent: 03 May 2018 09:39
To: [REDACTED] 'Trial Chamber IX Communications'
Cc: [REDACTED]
[REDACTED]

Subject: Submission of Evidence used with V40-0003

Dear Trial Chamber IX, Prosecution, and Legal Representatives,

The LRV request the formal submission of the evidence shown to Mr. Oyet (V40-003), that is UGA- V40- 0003-0008.
Best regards,
Francisco Cox.

[REDACTED]

From: Trial Chamber IX Communications
Sent: 14 May 2018 15:05
To: [REDACTED]
Cc: Trial Chamber IX Communications; [REDACTED]
Subject: Decision on Submitted Materials for V-3
Attachments: RE: Submission of Evidence used with V40-0003; RE: Submission of Evidence used with V40-0003; Submission of Evidence used with V40-0003

Dear Counsel and Registry:

For V-3, the Chamber recognises as formally submitted the items submitted by the Legal Representatives for Victims (Email from the LRV, 3 May 2018, at 09:39) and Defence (Email from the Defence, 2 May 2018, at 20:10).

The Defence challenges the relevance of a submitted handwritten table (UGA-V40-0003-0008) on grounds that insufficient context has been provided to derive meaning from the statistics contained within it (Email from the Defence, 7 May 2018, at 07:16, *responded to in* Email from the LRV, 8 May 2018 at 13:13). In accordance with the Chamber's general approach, these arguments will be deferred until the Chamber is deliberating its judgment.

The Registry is accordingly directed to proceed in accordance with paragraph 28(v) of the Initial Directions on the Conduct of the Proceedings, 13 July 2016, ICC-02/04-01/15-497.

Best,

Trial Chamber IX