

Annex A

Public Redacted

[REDACTED]

From: [REDACTED]
Sent: 07 February 2019 15:03
To: [REDACTED]
Cc: OTP UGA Prosecution Team
Subject: RE: Prosecution Request for Disclosure of New Defence Expert Report

Dear [REDACTED],

The Defence does not intend to use this report as evidence for the purposes at trial at this point. Therefore, it does not fall under the Defence disclosure obligations pursuant to Rule 78 of the Rules of Procedure of Evidence.

Kind regards,
 [REDACTED], on behalf of Counsel

From: [REDACTED]
Sent: 07 February 2019 12:09
To: [REDACTED]
Cc: OTP UGA Prosecution Team
Subject: Prosecution Request for Disclosure of New Defence Expert Report

Dear Defence team,

The Prosecution requests a copy of the report recently prepared by [REDACTED] ("Defence Experts") in relation to Mr Ongwen's current mental health. This report was referenced in [REDACTED]; the relevant passage provided as follows:

[REDACTED]

The Defence Experts have made Mr Ongwen's current mental health a central issue in their two reports in support of the article 31(1)(a) ground raised by the Defence. In order to fully test the Defence Experts' credibility and reliability, the Prosecution must have access to the new report prepared by the Defence Experts about Mr Ongwen's current mental health. No issue of privilege protects the report since the Chamber has long made clear to Mr Ongwen that "any interaction between him and the Defence Experts was not covered by any privilege." See ICC-02/04-01/15-709, para. 11.

The Prosecution further notes that the Defence has previously conceded that [REDACTED] ICC-02/04-01/15-658-Conf, para. 30; see also ICC-02/04-01/15-691-Conf, para. 21. The interview conducted by the Defence Experts was clearly intended by the Defence to be used in an assessment of fitness to stand trial. See ICC-02/04-01/15-1415-Conf-Red, para. 25 ("Should the Defence Experts interview, which is being conducted simultaneous with this pleading, state that Mr Ongwen is not fit to stand trial, the remainder of the proceedings will be irreparably tainted.").

The Prosecution makes this request pursuant to articles 64(2), 64(3), and 69(3) of the Rome Statute and rules 78, 79(1)(b), 84, and 140(2)(b) of the Rules of Procedure and Evidence.

Kind regards,
 [REDACTED]



Cour
Pénale
Internationale
International
Criminal
Court

[REDACTED]
[REDACTED]
Office of the Prosecutor
International Criminal Court
PO Box 19519, 2500 CM, The Hague, The Netherlands
[REDACTED]

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Dedication - Integrity - Respect