

ANNEX XXXIX

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 02 October 2018 09:06
To: [REDACTED]
Subject: Trial Chamber IX Communications; [REDACTED]
 RE: D-0028 Request to meet with Mr Ongwen after testimony

Dear Defence team,

The Chamber, on an exceptional basis and considering that the Defence did not have time to organise D-28's visit to the Detention Centre in advance, allows that on this one occasion that the accused is permitted to meet with the witness as requested by the Defence below.

However, the Chamber stresses that for any future occurrences, the Defence is expected to organise these meetings sufficiently in advance so that the witness has time to visit Mr Ongwen in the detention centre.

Kind regards,

Trial Chamber IX

-----Original Message-----

From: [REDACTED]
Sent: 01 October 2018 17:41
To: Trial Chamber IX Communications; [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: RE: D-0028 Request to meet with Mr Ongwen after testimony

Dear Trial Chamber IX,

The Defence requests the Chamber to modify its order only in respect to D-28. We are requesting that the witness be permitted to greet Mr Ongwen immediately after the conclusion of his testimony in the consultation room at the Court premises, instead of the Detention Centre.

The reason for this request is that to satisfy the procedural and logistical requirements for a visit at the Detention Centre is not possible given the witness' limited time in The Hague. The Defence has consulted with the Registry regarding the possibility of the witness meeting Mr Ongwen in the consultation room. We have been informed that this can be arranged.

For this reason, the Defence respectfully requests the Chamber to accommodate this request.

Many thanks,
 [REDACTED]

-----Original Message-----

From: Trial Chamber IX Communications [REDACTED]

Sent: 01 October 2018 12:57

To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: D-0028 Request to meet with Mr Ongwen after testimony

Dear Defence,

With regard to the request formulated in the e-mail below, the Defence may arrange for witnesses to meet the accused at the Detention Centre after testifying, along the same guidelines provided in the framework announced in Decision -503, para. 19.

As stated previously in similar cases, no additional privilege applies to the visit and this authorisation does not dispense the Defence from liaising with the Registry to obtain the 'normal' necessary permissions from the Detention Centre.

Please be informed that the procedure laid out above also applies to future requests of a similar kind (which the Defence foreshadowed in its email)

Kind regards,
Trial Chamber IX

-----Original Message-----

From: [REDACTED]

Sent: 28 September 2018 13:32

To: Trial Chamber IX Communications; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Cc: [REDACTED]

Subject: D-0028 Request to meet with Mr Ongwen after testimony

Dear Trial Chamber IX,

During the Defence courtesy meeting with Witness D-0028 on Thursday September 27, 2018, the witness asked the Defence to arrange for him to meet Mr Ongwen upon the conclusion of his testimony. He informed us that he had asked the VWU staff about this possibility and they directed him to ask the Defence instead. The witness told us that as an Acholi cultural leader, he believes that it is not enough for him to see Mr Ongwen at a distance during his testimony and not say hello to him afterwards.

Other Chambers (Katanga and Lubanga) have permitted courtesy meetings between an accused and a witness post-testimony. This Chamber has also permitted the same via email; on 26 January 2017 for a post-testimony courtesy meeting between OTP Witness P-0016 and Mr Ongwen. The Defence further recalls the Trial Chamber's email of 05 April 2017 which denied OTP Witness P-0264's request to meet with Mr Ongwen due to the request coming on a short notice.

The Defence therefore requests the Trial Chamber's approval for D-0028 to briefly meet with Mr Ongwen after the conclusion of his testimony. The Defence further notifies the Chamber that it shall make similar requests during the course of the trial.

Very best,

[REDACTED]