

ANNEX XLIX

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 08 January 2019 11:41
To: [REDACTED]
Cc: Trial Chamber IX Communications; [REDACTED]
Subject: Decision on Defence Requests for Communications with Mental Health Experts [EX PARTE, Defence and Registry only]

Dear Defence Counsel:

[REDACTED]

The Chamber will not assess the potential privilege of these prospective communications. Should a potential privilege issue arise in the context of a discrete communication, this will be dealt with if and when it arises with the appropriate involvement of the other participants (e.g. ICC-02/04-01/15-691-Conf). In this regard, it is noted that the Defence's general disclosure obligations extend only to materials which it intends to use as evidence for the purposes of the confirmation hearing or at trial (Rule 78).

Best,

Trial Chamber IX

From: [REDACTED]
Sent: 08 January 2019 09:03
To: Trial Chamber IX Communications
Cc: [REDACTED]
Subject: EX PARTE, Chamber and Defence Only, Request for Privileged Meetings with Mr Ongwen

Dear Trial Chamber IX,

On behalf of Co-Counsels, I write to convey the following two requests following this morning's actions by Mr Ongwen, especially noting that the Defence does not have all information about the situation.

Very best,

[REDACTED]