

ANNEX VII

PUBLIC

From:**Sent:****To:**

30 October 2018 13:03

Trial Chamber IX Communications:

Subject:

DEF Submission of Evidence for D-0079

Dear Trial Chamber IX, Prosecution and Legal Representatives,

Pursuant to ICC-02/04-01/15-497, para. 28, The Defence for Dominic Ongwen requests the submission into evidence the following items used during its examination of D-0079:

Tab	Doc ID	Title/Description	Conf Level	Transcript Reference
1	UGA-D26-0022-0445	Certificate of Amnesty	Conf	T-189, page 56
2	UGA-D26-0022-0448	Reunion Letter	Conf	T-189, page 55
3	UGA-D26-0022-0450	Rehabilitation Letter	Conf	T-189, page 54
4	UGA-D26-0025-0334	Victim Application Form	Conf	T-189, page 37
5	*UGA-OTP-0285-0138	Report /Extract	Conf	T-189, page 44

The Defence acknowledges that that *UGA-OTP-0285-0138 (Tab 5) is not on the List of Evidence. However, it was used in the examination of the witness by the Defence and the judges. Therefore, the Defence exceptionally requests that it be added on the List of Evidence and submitted into evidence. As indicated during the hearing, the item was disclosed to the Defence only recently on 19 October 2018 and the Defence is still preparing a comprehensive request to add new materials to its List of Evidence.

Kind regards,

From:**Sent:**

30 October 2018 13:31

To:

Trial Chamber IX Communications

Subject:

RE: DEF Submission of Evidence for D-0079

Dear all,

The Prosecution has no objection, on this occasion, to the exceptional request by the Defence.

Kind regards.

Dévouement - Intégrité - Respect
Dedication - Integrity - Respect

From:**Sent:** 30 October 2018 13:03**To:** Trial Chamber IX Communications:**Subject:** DEF Submission of Evidence for D-0079

Dear Trial Chamber IX, Prosecution and Legal Representatives,

Pursuant to ICC-02/04-01/15-497, para. 28, The Defence for Dominic Ongwen requests the submission into evidence the following items used during its examination of D-0079:

Tab	Doc ID	Title/Description	Conf Level	Transcript Reference
1	UGA-D26-0022-0445	Certificate of Amnesty	Conf	T-189, page 56
2	UGA-D26-0022-0448	Reunion Letter	Conf	T-189, page 55
3	UGA-D26-0022-0450	Rehabilitation Letter	Conf	T-189, page 54
4	UGA-D26-0025-0334	Victim Application Form	Conf	T-189, page 37
5	*UGA-OTP-0285-0138	Report /Extract	Conf	T-189, page 44

The Defence acknowledges that that *UGA-OTP-0285-0138 (Tab 5) is not on the List of Evidence. However, it was used in the examination of the witness by the Defence and the judges. Therefore, the Defence exceptionally requests that it be added on the List of Evidence and submitted into evidence. As indicated during the hearing, the item was disclosed to the Defence only recently on 19 October 2018 and the Defence is still preparing a comprehensive request to add new materials to its List of Evidence.

Kind regards.



[REDACTED]

From: Trial Chamber IX Communications
Sent: 08 November 2018 12:11
To: [REDACTED]
Cc: Trial Chamber IX Communications; [REDACTED]
Subject: Decision on Submitted Materials for D-79
Attachments: DEF Submission of Evidence for D-0079; RE: DEF Submission of Evidence for D-0079

Dear Counsel and Registry:

For D-79, the Chamber recognises as formally submitted the items submitted by the Defence (Email from the Defence, 30 October 2018, at 13:03, *noting the lack of objection in* Email from the Prosecution, 30 October 2018, at 13:31).

As regards item UGA-OTP-0285-0138, the Chamber notes that this item was not on the Defence list of evidence. It is nevertheless recognised as formally submitted despite the irregularity, noting that: (i) the item in question was disclosed by the Prosecution only shortly before the witness's testimony and (ii) the Prosecution does not object to this submission. For completeness, the Defence is to include this item on its next list of evidence.

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