

ANNEX IX

PUBLIC

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

06 November 2018 10:04

Trial Chamber IX Communications

Subject:

DEF Submission of Evidence for D-0026

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-0026:

Tab	Doc ID	Title/Description	Conf Level	Transcript Reference
1	UGA-D26-0010-0486	Witness Statement	Conf	T-191, page 21
2*	UGA-OTP-0285-0160	Report/Extract	Conf	T-191, pages 46, 54
4	UGA-D26-0025-0084	Photograph	Conf	T-191, page 16

The Defence acknowledges that that *UGA-OTP-0285-0160 (Tab 2) is not on the List of Evidence. However, it was used in the examination of the witness by the Defence and the Prosecution. Therefore, the Defence exceptionally requests that it be added on the List of Evidence and submitted into evidence. 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: [REDACTED]
Sent: 07 November 2018 12:55
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]

Subject: RE: DEF Submission of Evidence for D-0026

Dear Trial Chamber IX, parties and participants,

For the avoidance of doubt, the Prosecution does not intend to submit any additional materials to those submitted by the defence in the email below, for the examination of D-0026.

The Prosecution has no objection to the defence request to add UGA-OTP-0285-0160 to its List of Evidence.

Kind regards,

Sent with BlackBerry Work
www.blackberry.com

From: [REDACTED]
Date: Tuesday, 06 Nov 2018, 10:04 AM
To: Trial Chamber IX Communications

Subject: DEF Submission of Evidence for D-0026

Dear Trial Chamber IX, Prosecution and Legal Representatives,

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Kind regards



[REDACTED]

From: Trial Chamber IX Communications
Sent: 13 November 2018 13:43
To: [REDACTED]
Cc: Trial Chamber IX Communications; [REDACTED]
Subject: Decision on Submitted Materials for D-26
Attachments: DEF Submission of Evidence for D-0026; RE: DEF Submission of Evidence for D-0026

Dear Counsel and Registry:

For D-26, the Chamber recognises as formally submitted the items submitted by the Defence (Email from the Defence, 6 November 2018, at 10:04, *noting the lack of objection in* Email from the Prosecution, 7 November 2018, at 12:55).

As regards item UGA-OTP-0285-0160, 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