

ANNEX XIX

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 06 December 2019 15:03
To: [REDACTED]; Trial Chamber IX
 Communications; [REDACTED]
Subject: RE: Defence request for the correction of the transcript T-45

Dear parties and participants,

The Chamber takes note of the request by the Defence.
 It also notes the objection by the Prosecution (repeated by the CLRV).

The Chamber hereby instructs the Registry to review the section identified by the Defence and assess whether there is a need for corrections.

The Registry is then to revert back to the Chamber and the parties and participants whether any changes are necessary.

Kind regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 06 December 2019 12:13
To: [REDACTED] Trial Chamber IX Communications
Cc: [REDACTED]
Subject: RE: Defence request for the correction of the transcript T-45

The Prosecution submits that it is only where the requesting party can show that the requested correction, so long out of time, could have a real impact on significant issues in the case that such requests should be granted. The Prosecution doubts that the difference between **'my brain, my head is overworking well'** and **'my mind is still not working'** meets this test. However, if the Chamber decides otherwise, the Prosecution raises no procedural objection to the proposal that the Chamber order that a Registry translator listen to the audio record and make any corrections thought necessary.

[REDACTED]

From: [REDACTED]
Sent: 06 December 2019 10:35
To: Trial Chamber IX Communications
Cc: [REDACTED]
Subject: Defence request for the correction of the transcript T-45

Dear Trial Chamber IX,

The Defence writes in respect to the correction of the transcripts: ICC-02/04-01/15-T-45-CONF-ENG CT and ICC-02/04-01/15-T-45-CONF-FRA-CONF-ENG ET (**T-45**). It is Prosecution witness P-0003's testimony of 2 March 2017.

Pursuant to article 64(2) of the Statute, regulation 35 of Regulations of the Court and being mindful of paragraph 38 of 'Initial Directions Concerning the Conduct of the Proceedings' (ICC-02/04-01/15-497), the Defence respectfully requests that the Chamber order the Registry to review and correct a specific portion of transcript T-45.

In particular, the request concerns Mr Ongwen's statement on page 30, lines 11-12 of the English version. It reads 'But I heard that information, that message, I am not happy about it. My, my brain, **my head is overworking well**'. Similarly, the French version of the transcript, on page 28, lines 5-6, reads: 'mais j'ai entendu le message et **j'en suis... j'en suis fort troublé**. Et cela m'a mis les sens à l'envers, si je puis dire'.

Following the review of transcript T-45 vis-à-vis an audio/video version of the hearing in Acholi, an Acholi-speaking Defence member found that the transcript is inaccurate when concerns Mr Ongwen's statement. Mr Ongwen appears to state in Acholi the following: 'Ci dong loki eno ni ma awinyo iya pet tye iye ma yomp aka wa I caw ani ma wiya pet tye ka tic maber ladit'. The corresponding English translation of this statement should be as follows: 'Sir, when I heard about that issue I am not impressed at all and up to now **my mind is still not working**' (see UGA-D26-0026-0790).

The Defence understands that request for corrections to the transcript shall be submitted to the Registry within 21 days from the notification of the edited version of the transcript. Nevertheless, in order to ensure that the *Ongwen* case record is accurate and the conduct of the proceedings is fair and expeditious, the Defence moves, on an exceptional basis, to request the Chamber to order the Registry to review and correct this specific portion of transcript T-45 at this time.

Regards,

[REDACTED]
[REDACTED]

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