

ANNEX XV

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 15 November 2019 15:21
To: [REDACTED]
Subject: Trial Chamber IX Communications;
 RE: Material for Defence Experts

Dear Defence team,

The Chamber grants the Defence's request and instructs the Registry to provide the chart produced by the Defence to the Defence expert witnesses as soon as feasible.

Kind regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 15 November 2019 15:17
To: Trial Chamber IX Communications; [REDACTED]
Subject: RE: Material for Defence Experts

Dear Trial Chamber IX,

Following from the Prosecution's request this morning, and consistent with the Chamber's procedure regarding the provision of charts of direct quotations from the testimonial evidence (ICC-02/04-01/15-1703), the Defence respectfully requests the Chamber to instruct the VWS to provide the attached chart prepared by the Defence to D-0041 and D-0042.

The chart contains short excerpts from witness testimonies, two expert reports, two filings and a Defence translation from P-0003's testimony (Transcript T-45). The Defence recognizes that the expert reports, filings and translation from P-0003's testimony are not testimonial evidence *per se*. However, it notes that these items are part of the case record and that provision of the list to the experts will expedite and streamline their examination, and therefore promote the fair and expeditious conduct of the proceedings.

Regards,

From: Trial Chamber IX Communications [REDACTED]
Sent: 15 November 2019 11:21
To: [REDACTED]
 [REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: RE: Material for Defence Experts

Dear Prosecution,

The Chamber grants the Request to provide the Defence expert witnesses with a copy of the chart prepared by the OTP.

The Registry is hereby instructed to provide the material to D-41 and D-42 as soon as possible.

Kind regards,

Trial Chamber IX

From: [REDACTED]
 Sent: 15 November 2019 09:54
 To: Trial Chamber IX Communications; [REDACTED]
 [REDACTED]

Subject: RE: Material for Defence Experts

Apologies, copied and pasted from the wrong email. Now with Victims included, Genuine mistake.

From: [REDACTED]
 Sent: 15 November 2019 09:50
 To: Trial Chamber IX Communications; [REDACTED]
 [REDACTED]

Subject: Material for Defence Experts

Consistent with paragraph 14 of the Decision on Prosecution Requests Related to Mental Health Expert Evidence, 16 November 2017, ICC-02/0401/15-1073 (see below), and in accordance with the questioning of its own experts, the Prosecution attaches a chart of direct quotations from the testimonial evidence on which it will be basing questions in cross examination of D-0041 and D-0042. This document will be included in the binder of Prosecution materials. The Prosecution invites the Chamber to approve the provision of this chart to the Defence Experts today, so that they have time to study them in advance of their testimony.

14. As for the modalities of examining these experts, the Single Judge considers it unnecessary for the Prosecution Experts to describe each and every aspect of their reports through oral testimony. The Single Judge considers that the fair and expeditious conduct of the proceedings is best served by hearing these witnesses pursuant to Rule 68(3) of the Rules, and permits the Prosecution to do so on condition of satisfying the criteria under this rule. As with all Rule 68(3) witnesses, the Prosecution may also ask supplemental questions. In this regard, the Prosecution provided certain materials from the case record when initially instructing its experts, but many witnesses have since testified on Mr Ongwen's acts and conduct during the charged time period. In order for the Chamber to have as complete an assessment as possible, the experts should give their opinions on the salient issues arising out of all the evidence heard to date. The parties are encouraged to put questions to the experts premised on factual propositions drawn from the testimonial evidence in this case, using direct quotations as appropriate.

[REDACTED]
 Office of the Prosecutor
 International Criminal Court



[REDACTED]
www.icc-cpi.int



Mail address:

[REDACTED]
 The Hague,
 Netherlands

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