

ANNEX II

PUBLIC

From: Trial Chamber IX Communications
Sent: 17 February 2021 16:50
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: RE: Request for a visitor to Mr Ongwen via WebEx in Private

Dear Counsel,

Following the lifting, in April 2020, of the specific restrictions on communications, the ordinary detention regime applies to Dominic Ongwen as concerns his visits and other communications. This includes the ordinary regime for monitoring and/or recording, as applicable. The Chamber finds no basis for it to intervene and allow derogations from any such regime in the circumstances as described in your email. The request for an order of the Chamber is rejected.

Best regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 16 February 2021 12:22
To: Trial Chamber IX Communications [REDACTED]
Subject: Request for a visitor to Mr Ongwen via WebEx in Private

Dear Trial Chamber IX,

Pursuant to the Chamber's order 1763 on 4 February 2021, the Defence is requesting a meeting between Mr Ongwen and Professor Kristof Titeca on 22 February 2021 through WebEx from 14h30-17h00 CET. With the ending of the additional restrictions against Mr Ongwen in April 2020, the Defence understands, and with the utmost respect, that it no longer needs the Chamber's approval for Mr Titeca to visit Mr Ongwen virtually.

On the other hand, the Defence requests that this meeting be held privately, *i.e.* without active or passive monitoring or recording, which requires the Chamber's permission. This meeting is for the purpose of presenting material to the Chamber pursuant to Order 1763. The Defence is liaising with Team members to determine a suitable Team member (based on availability and access to a fast enough internet connection) to aid in interpreting between Mr Ongwen and Professor Titeca. Should the Chamber desire to know that person, the Defence is more than happy to inform the Chamber of the person. The Defence further understands that while Professor Titeca is connected in the meeting, said conversations shall not be deemed privileged (as was the procedure previously when Professor Titeca met with Mr Ongwen).

The Defence understands that it must conform to the ICC-DC policies on visitors in its pursuit of this request. The Defence has already contacted the ICC-DC to ensure that Professor Titeca's paperwork is all in order.

The Defence respectfully requests Trial Chamber IX to grant Professor Titeca a private visit with Mr Ongwen through WebEx for the purpose of preparing material in pursuit of Order 1763.

Very best,

██████████
On behalf of Counsel
██████████

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