

ANNEX X

PUBLIC

From: Trial Chamber IX Communications
Sent: 31 March 2021 15:23
To: [REDACTED]
Cc: Trial Chamber IX Communications
Subject: RE: Defence Request for a Modification of the Notification of Attestations by Selected Rule 68(2)(b) Witnesses

Dear Counsel,

The Single Judge, finding that good cause exists within the meaning of Regulation 35(2) of the Regulations of the Court, grants the requested extension of time, until 13 April 2021, for the filing of the declaration under Rule 68(2)(b) by witness D-0163.

As far as the two organisations are concerned, the Single Judge recalls that, by virtue of decision ICC-02/04-01/15-1801, their letters have already been recognised as submitted, with the clarifications as to their nature given by the Chamber at paras 26 and 27 of the same decision. As made evident also by the operative part of the decision, declarations under Rule 68(2)(b) are required only for the introduction of the prior recorded testimony of the witnesses listed therein. This does not apply to the letters by the concerned organisations.

As no declaration under Rule 68(2)(b) by (representatives of) ARLPI and/or Wang-oo Heritage is expected or required, the Single Judge dismisses the related part of the request for extension of time.

Best regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 30 March 2021 15:35
To: Trial Chamber IX Communications [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: Defence Request for a Modification of the Notification of Attestations by Selected Rule 68(2)(b) Witnesses
Importance: High

Dear Trial Chamber IX,

I am pleased to inform you and everyone included in this email that the Defence has been able to collect certifications of Rule 68(2)(b) statements/reports from the following persons and organisation: D-0042, D-0133, D-0160 and Ker Kwaro Acholi. The Defence also expects to have certified attestations from D-0060 and D-0114 by the end of today.

The Defence appreciates and thanks the Chamber for the postponement for bereavement purposes for those living in Mr Ongwen's family compound.

The Defence requests in this email for a postponement of the due date of the attestations for the following witnesses and organisations: D-0163, ARLPI and Wang-oo Heritage until 13 April 2021.

As the Chamber is aware, the Defence has been in contact with the Registry and local public notaries in Uganda to have the statements/reports certified. The Defence shall be prepared tomorrow to submit the statements and reports which have been notarised pursuant to Ugandan and Belgian law, but the Defence has run into a problem with the persons and organisations in northern Uganda. The Chamber is also aware that the Registry stated that the earliest it could have sent a representative to Uganda and to start working was 11 April 2021.

The Defence attempted to determine public notaries in Gulu, and it found two. The problem is that both public notaries are renewing their certificates and have not received their new practicing certificates, hence they are not allowed to notarise legal documents. The three persons/organisations were to have their statements/reports notarised tomorrow in Gulu.

The Defence attempted yesterday evening to contact D-0163 and representatives of ARLPI and Wang-oo Heritage yesterday, but were unable to reach them. We are attempting to travel to their homes today to consult with them about traveling to Kampala for the purpose of notarising their statements/reports, but this shall take time. The Defence does not believe that it will be able to get the three persons who can certify the statements to Kampala before 1 April 2021.

Noting that while travel between cities is allowed, it is still very limited. Even if the Defence successfully meets the individuals today, they will not be able to get to Kampala in time to meet the 1 April 2021 deadline. Furthermore, the Defence inquired with its public notary about travelling to Gulu for this purpose. Unfortunately for the Defence, he is in Court in Mubende (about 150 km west of Uganda and about a 2-2.5 hour drive to Kampala) tomorrow and cannot travel to Gulu.

Pursuant to Regulation 35 of the RoC, the Defence respectfully asks that the following persons/organisations, D-0163, ARLPI and Wang-oo Heritage, be granted the same extension as the family of Mr Ongwen, namely, that their notarised attestations be delivered to the Court on or before 13 April 2021.

Highest regards,



Assistant to Counsel
Defence for Dominic Ongwen

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