

# **ANNEX III**

## **PUBLIC**

[Redacted]

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**From:** [Redacted]  
**Sent:** 23 August 2017 18:10  
**To:** Trial Chamber IX Communications; [Redacted]  
[Redacted]  
[Redacted]  
**Cc:** [Redacted]  
**Subject:** Defence List of Materials to be Submitted through P-0245  
**Attachments:** 2017.08.23 - DEF List for Submission - P-0245.docx

Dear Trial Chamber IX, Prosecution and Legal Representatives,

Please find attached the Defence's list of material from the examination of P-0245 which is for submission into evidence pursuant to Decision 497, paragraph 28(i).

Very best,

[Redacted]

**Prosecutor v. Dominic Ongwen**  
**ICC-02/04-01/15**

In accordance with Trial Chamber IX's decision ICC-02/04-01/15-497, para. 28(i) and the additional instructions notified on 23 August 2017 *via* email, the Defence hereby provides the Chamber, the Prosecution and Participants with the Defence's list of documents for submission in conjunction with P-0245's testimony.

**Binder 1 (Prosecution Binder)**

<b>Tab</b>	<b>Doc ID</b>	<b>Description</b>	<b>Use Location<sup>1</sup></b>
10	UGA-OTP-0244-0363	Transcript of Interview with P-0245	T-101, p. 21
13	UGA-OTP-0244-0418	Transcript of Interview with P-0245	T-101, p. 33
24	UGA-OTP-0248-0911	Transcript of Interview with P-0245	T-100, p. 37

**Binder 2 (Prosecution Binder)**

<b>Tab</b>	<b>Doc ID</b>	<b>Description</b>	<b>Use Location<sup>2</sup></b>
37	UGA-OTP-0271-1897	Transcript of Interview with P-0245	T-101, p. 27

**Binder 3 (Prosecution Binder)**

<b>Tab</b>	<b>Doc ID</b>	<b>Description</b>	<b>Use Location<sup>3</sup></b>
3	UGA-OTP-0267-0299	Amnesty Application	T-100, p. 36
4	UGA-OTP-0267-0306	Amnesty Application	T-99, p. 23
29	UGA-OTP-0245-0130	Photograph	T-100, p. 68
34	UGA-OTP-0245-0141	Letter	T-100, p. 69

**Binder 4 (Defence Binder)**

<b>Tab</b>	<b>Doc ID</b>	<b>Description</b>	<b>Use Location<sup>4</sup></b>
1	UGA-D26-0014-0139	Request for Assistance	T-100, p. 59
2	UGA-OTP-0273-2838-R01	Request for Assistance in Connection with Case No. ICC-02/04-01/15 – The Prosecutor v. Dominic Ongwen	T-100, p. 51

<sup>1</sup> First location only.

<sup>2</sup> First location only.

<sup>3</sup> First location only.

<sup>4</sup> First location only.

<b>Tab</b>	<b>Doc ID</b>	<b>Description</b>	<b>Use Location<sup>4</sup></b>
3	UGA-OTP-0273-2841	Ugandan Passport [REDACTED]	T-100, p. 48
4	UGA-OTP-0208-0501	[REDACTED]	T-100, p. 52
5	UGA-OTP-0208-0456	Non-ICC Statement	T-100, p. 48
7	UGA-OTP-0208-0461	Non-ICC Statement	T-101, p. 6
8	UGA-OTP-0208-0473	Non-ICC Official Translation of UGA-OTP-0208-0461	T-101, p. 7
9	UGA-OTP-0208-0485	[REDACTED]	T-100, p. 61
10	UGA-OTP-0208-0486	First (1) Information / Non-ICC court recorder notes	T-100, p. 53
11	UGA-OTP-0267-0436	[REDACTED]	T-100, p. 62
13	UGA-OTP-0270-1255	Non-ICC Investigation Report	T-100, p. 66
14	UGA-OTP-0270-1263	A Brief from LRA Defectors as on 31 <sup>st</sup> Dec 07	T-101, p. 8
15	UGA-OTP-0278-0454	Indictment	T-100, p. 75
16	UGA-OTP-0278-0456	[REDACTED]	T-100, p. 76-77
17	UGA-OTP-0267-0439	Non-ICC Statement	T-100, p. 76-77
18.1-5	UGA-OTP-0204-0027-R01	ICC Investigation Notes	T-100, p. 73
	UGA-OTP-0204-0029-R01		
	UGA-OTP-0204-0031-R01		
	UGA-OTP-0204-0035-R01		
	UGA-OTP-0278-0482		
19	UGA-OTP-0276-3096-R01	Report on Witness P-245	T-100, p. 55
20	UGA-OTP-0278-0044	Report on Witness P-0245	T-100, p. 79
39	UGA-D26-0016-0035	Report	T-101, p. 11
40	UGA-OTP-	Letter	T-100, p. 82

<b>Tab</b>	<b>Doc ID</b>	<b>Description</b>	<b>Use Location<sup>4</sup></b>
	0016-0050		
41	UGA-OTP- 0016-0051	Photograph	T-100, p. 84

[Redacted]

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**From:** [Redacted]  
**Sent:** 23 August 2017 18:27  
**To:** Trial Chamber IX Communications; [Redacted]  
[Redacted]  
[Redacted]  
**Cc:** [Redacted]  
**Subject:** Formal submission of items used during the testimony of witness P-0245  
**Attachments:** 20170823 List of Materials Submitted - Witness P-0245.doc

Dear Trial Chamber IX,

The Prosecution formally submits the attached items of evidence used during the testimony of witness P-0245.

Regards,  
[Redacted]

**Prosecutor v. Dominic Ongwen**  
**ICC-02/04-01/15**

**The Prosecution formally submits the following items of evidence used during the testimony of witness  
P-0245 (Richard ODONG)**

<b>Prosecution Binder 3 – Exhibits</b>				
<b>Tab</b>	<b>ERN</b>	<b>Description</b>	<b>No. of ERN pages</b>	<b>Passages to be used</b>
3.	UGA-OTP-0267-0299	Amnesty declaration form of [REDACTED]	7	All
4.	UGA-OTP-0267-0306	Amnesty declaration form [REDACTED]	7	All
5.	UGA-OTP-0127-3073	Application Form for Sponsorship Programme for [REDACTED]	3	All
6.	UGA-OTP-0237-0197-R01	Annotated Map titled ACHOLI SUB-REGION PLANNING MAP	1	All
7.	UGA-OTP-0237-0198-R01	Hand-drawn map titled MAP 1 Odek	1	All
11.	UGA-OTP-0237-0202-R01	Hand-drawn map titled Map - No 4 PALARO	1	All
14.	UGA-OTP-0251-0656	Hand-drawn map titled ODEK ANNEX 3	1	All
16.	UGA-OTP-0251-0658	Hand-drawn map titled LACANI - ANNEX 5	1	All

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17.	UGA-OTP-0251-0659	Hand-drawn map titled ANNEX 6	1	All
20.	UGA-OTP-0240-0084-R01	Photograph marked 1 and titled [REDACTED]	2	All
21.	UGA-OTP-0240-0086-R01	Photograph marked 2	2	All
22.	UGA-OTP-0240-0088-R01	Photograph marked 3	2	All
24.	UGA-OTP-0245-0120-R01	Photograph marked 1 and annotated in acholi text	2	All
26.	UGA-OTP-0245-0124-R01	Photograph marked 3	2	All
28.	UGA-OTP-0245-0128-R01	Photograph marked 5	2	All
33.	UGA-OTP-0245-0136	Five scanned pages from the book TRIAL JUSTICE / THE INTERNATIONAL CRIMINAL COURT AND THE LORD'S RESISTANCE ARMY written by Tim Allen	5	All
36.	UGA-OTP-0208-0456-R01	Statement by [REDACTED]	3	All

Defence Binder				
Tab	ERN	Description	No. of ERN pages	Passages to be used
14	UGA-OTP-0270-1263	A Brief from LRA Defectors as on 31 <sup>st</sup> Dec 07	5	All



**From:** [REDACTED]  
**Sent:** 19 September 2017 14:53  
**To:** [REDACTED] Trial Chamber IX Communications; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Defence List of Materials to be Submitted through P-0245

Dear Trial Chamber,  
dear Participants,

I am writing to you on behalf of [REDACTED] to indicate that it has been brought to the attention of the Defence that two items on the list of materials submitted through P-245 were incorrectly identified. For the two items indicated in the table below, the original list provided incorrectly listed them as "UGA-OTP" as oppose to the correct ID which is "UGA-D26". As such, [REDACTED] asks that I convey an apology for the confusion this may have caused.

In light of the original error, the Defence requests the below correction to the items submitted with respects to witness P-245.

Kind regards,  
[REDACTED]

Tab	Doc ID	Description	Use Location
40	UGA-D26-0016-0050	Letter	T-100, p. 82
41	UGA-D26-0016-0051	Photograph	T-100, p. 84

**From:** [REDACTED]  
**Sent:** 23 August 2017 18:10  
**To:** Trial Chamber IX Communications; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Defence List of Materials to be Submitted through P-0245

Dear Trial Chamber IX, Prosecution and Legal Representatives,

Please find attached the Defence's list of material from the examination of P-0245 which is for submission into evidence pursuant to Decision 497, paragraph 28(i).

Very best,



**From:** [REDACTED]  
**Sent:** 19 September 2017 14:57  
**To:** [REDACTED] Trial Chamber IX Communications; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Defence List of Materials to be Submitted through P-0245

Obviously, no objection from the Prosecution.  
Ben Gumpert

**From:** [REDACTED]  
**Sent:** 19 September 2017 14:53  
**To:** [REDACTED] Trial Chamber IX Communications; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Defence List of Materials to be Submitted through P-0245

Dear Trial Chamber,  
dear Participants,

I am writing to you on behalf of [REDACTED] to indicate that it has been brought to the attention of the Defence that two items on the list of materials submitted through P-245 were incorrectly identified. For the two items indicated in the table below, the original list provided incorrectly listed them as "UGA-OTP" as oppose to the correct ID which is "UGA-D26". As such, [REDACTED] asks that I convey an apology for the confusion this may have caused.

In light of the original error, the Defence requests the below correction to the items submitted with respects to witness P-245.

Kind regards,  
[REDACTED]

Tab	Doc ID	Description	Use Location
40	UGA-D26-0016-0050	Letter	T-100, p. 82
41	UGA-D26-0016-0051	Photograph	T-100, p. 84

**From:** [REDACTED]  
**Sent:** 23 August 2017 18:10

[REDACTED]

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**From:** Trial Chamber IX Communications  
**Sent:** 20 September 2017 09:43  
**To:** [REDACTED]  
**Cc:** Trial Chamber IX Communications; [REDACTED]  
**Subject:** Addendum to Decision on Materials to be Submitted through P-245  
**Attachments:** RE: Defence List of Materials to be Submitted through P-0245; RE: Defence List of Materials to be Submitted through P-0245; Decision on Submitted Materials for P-245

Dear Counsel and Registry:

For P-245, and following the Chamber's decision on submitted materials (Email from the Chamber, 30 August 2017, at 09:48), the Defence informed the Chamber that two ERNs it submitted did not match the documents it intended to submit. The Defence sent a corrected list of ERNs (Email from the Defence, 19 September 2017 at 14:53), and the Prosecution did not object to these changes (Email from the Prosecution, 19 September 2017 at 14:57).

Noting that the Defence's new ERNs are related to P-245 and correspond with the 'Description' column from the Defence's original email submission (Email from the Defence, 23 August 2017 at 18:10), the Chamber is satisfied that the corrected list contains the items the Defence in fact intended to submit. Despite the corrected list being sent after the expiry of the applicable deadlines set in Decision 497, it is accepted on this occasion.

The parties are reminded to exercise diligence in preparing accurate evidence submission emails going forward.

As an addendum to its prior decision, and pursuant to Regulation 29(1) of the Regulations of the Court, the Chamber also recognises as formally submitted items UGA-D26-0016-0050 and UGA-D26-0016-0051. 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

[REDACTED]

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**From:** Trial Chamber IX Communications  
**Sent:** 30 August 2017 09:48  
**To:** [REDACTED]  
**Cc:** Trial Chamber IX Communications; [REDACTED]  
**Subject:** Decision on Submitted Materials for P-245  
**Attachments:** Defence List of Materials to be Submitted through P-0245; Formal submission of items used during the testimony of witness P-0245  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Counsel and Registry:

For P-245, the Chamber recognises as formally submitted all items submitted by the Prosecution (Email from the Prosecution, 23 August 2017 at 18:27) and Defence (Email from the Defence, 23 August 2017 at 18:10).

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