

ANNEX XIV
PUBLIC

[REDACTED]

From: Gumpert, Benjamin
Sent: 20 November 2019 13:46
To: Trial Chamber IX Communications; [REDACTED]
Subject: Submission of materials for D-0041

In accordance with Decision #497, the Prosecution requests the submission into evidence of the following materials used in the examination of D-0041:

Prosecution tab

- 1: UGA-OTP-0287-0015
- 10: UGA-OTP-0287-0020
- 11. UGA-OTP-0287-0032
- 12. UGA-OTP-0287-0040

All other materials used during the examination have already been submitted.

[REDACTED]

From: [REDACTED]
Sent: 20 November 2019 14:20
To: Trial Chamber IX Communications
Cc: [REDACTED]
Subject: Defence formal submission of items for D-0041

Dear Trial Chamber IX,

In accordance with paragraph 28 of 'Initial Directions on the Conduct of the Proceedings' (ICC-02/04-01/15-497), the Defence requests the formal submission of the following items concerning the examination of the Defence Expert Witness D-0041:

'Binder 1'

Tab	ERN	Title
2	UGA-D26-0015-0849	CV of D-041
2.1	UGA-D26-0015-1470	Bio Sketch of D-41
4	ICC-02/04-01/15-620-Conf-AnxB	Terms of Reference for D-41 [TOR for First Report]
5	UGA-D26-0015-1035	Terms of Reference for D-41 and D-42 [TOR for Second Report]
6	UGA-D26-0015-0154	Brief Medical Report (9 Feb 2016)
7	UGA-D26-0015-0004	First Psychiatric Report (6 Dec 2016)
8	UGA-D26-0015-0948	Second Psychiatric Report (28 June 2018)
9	ICC-02/04-01/15-1506-Conf-AnxA (UGA-D26-0015-1219)	Supplemental Report (25 Jan 2019)

Regarding items in tabs 6, 7, 8 and 9, the Defence notes that Trial Chamber IX recognised that these items fulfilled the requirements under rule 68(3) of the Rules of Procedure and Evidence (Transcript of hearing T-248, page 14, lines 14-16).

'Binder 2'

Tab	ERN	Title
29	UGA-D26-0015-1474	Sensitivity and specificity of the Akena Visual Depression Inventory (AViDI-18) in Kampala (Uganda) and Cape Town (South Africa)

Item in tab 29 is not on the Defence list of evidence. Nonetheless, the Defence notes that this issue was addressed during the examination of D-0041 (Transcript of hearing, T-248, pages 18-20). Furthermore, D-0041 was asked by the Chamber to confirm whether this item/article was written together with other two co-authors (Transcript of hearing, T-248, page 20, lines 18-25). Therefore, the Defence respectfully

requests that the Chamber, on an exceptional basis, permit the Defence to add the item on its list of evidence and recognise it as formally submitted.

Regards,

[REDACTED]

[REDACTED]

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.

[REDACTED]

From: Trial Chamber IX Communications
Sent: 06 December 2019 16:32
To: [REDACTED]
[REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: Decision on Submitted Materials for D-0041
Attachments: Submission of materials for D-0041; Defence formal submission of items for D-0041
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Hearings

Dear Counsel and Registry:

For D-0041, the Prosecution submits 4 items for formal recognition (Email from the Prosecution, 20 November 2019, at 13:46).
The Defence requests that 9 items be recognised as formally submitted (Email from the Defence, 20 November 2019, at 14:20).

The Defence states that one of the items is not on its list of evidence and requests that it be exceptionally permitted to submit this items into evidence nevertheless.

The Chamber notes that in fact two items (UGA-D26-0015-1470 and UGA-D26-0015-1474) are not on the list of evidence. The Chamber notes the discussion regarding one of the items (transcript of hearing on 18 November 2019, T-248, pg 18, l.24 – pg 20, l.12) and that the other one is a short biography of the witness in question. Further, there is no objection to the submission of these items. Accordingly, the Chamber also accepts the submission of these items on an exceptional basis.

It further confirms that the witness's report is introduced by virtue of the procedural pre-requisites of Rule 68(3) of the Rules being satisfied.

Consequently, it all recognises all items as formally submitted.

The Registry is directed to proceed in accordance with paragraph 28(v) of the Initial Directions on the Conduct of the Proceedings, ICC-02/04-01/15-497.

Kind regards,
Trial Chamber IX