

ANNEX II

PUBLIC

From: Trial Chamber IX Communications
Sent: 09 January 2019 17:45
To: [REDACTED]
Cc: Trial Chamber IX Communications; [REDACTED]
Subject: New Defence Postponement Request

Dear Counsel:

By way of an *ex parte* Defence only email, the Defence has made an urgent request for postponement of the trial for reasons related to the health and safety of the accused (Email from the Defence, 9 January 2019 at 16:56).

The Chamber considers it inappropriate to rule on this request on an *ex parte* basis, noting that it is 'essential for the other participants in this trial to know how Mr Ongwen's health conditions may impact the trial going forward' (Decision 691, para. 4).

Under the circumstances, the Chamber sets out the following procedure for resolving the Defence request:

- (i) By 16:00 on Thursday, 10 January 2019, the Defence is to make its postponement request in a formal filing. The Defence's email of 9 January 2019 referenced above is to be annexed to this filing.
- (ii) By the same deadline, the Defence is to file a redacted version of its request (and the annexed email) that provides a sufficiently clear factual basis for the relief sought so as to enable a meaningful response. The Chamber reserves its prerogative to lift any redactions should it consider it necessary to ensure the fair and expeditious conduct of the proceedings.
- (iii) By 16:00 on Friday, 11 January 2019, the other participants may file its responses to the request.
- (iv) Email courtesy copies of the filings referenced in items (i)-(iii) must be provided as soon as possible to provide maximum time for consideration of all arguments.
- (v) The Chamber will announce its decision (with reasons to follow as needed) by the end of Friday, 11 January 2019.

Best,

Trial Chamber IX