

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-02/04-01/05

Date: 3 January 2025

PRE-TRIAL CHAMBER III

Before: Judge Althea Violet Alexis-Windsor, Presiding Judge
Judge Iulia Antoanella Motoc
Judge Haykel Ben Mahfoudh

SITUATION IN UGANDA

THE PROSECUTOR v. JOSEPH KONY

Public

Prosecution's Proposal on Disclosure Themes

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. INTRODUCTION

1. In line with the Chamber's instructions in its Decision Setting the Disclosure Regime,¹ the Prosecution hereby submits its proposal detailing its disclosure themes. The proposal is based on the Prosecution's assessment of the relevance of each item of evidence underpinning the charges and avoids duplication.

II. SUBMISSIONS

2. The Prosecution proposes to carry out its disclosure according to the following themes:
 - a. Contextual elements of War Crimes
 - b. Contextual elements of Crimes against Humanity
 - c. Crimes charged for the attack on the Lwala Girls Secondary School
 - d. Crimes charged for the attack on Pajule IDP Camp
 - e. Crimes charged for the attack on Abia IDP Camp
 - f. Crimes charged for the attack on Barlonyo IDP Camp
 - g. Crimes charged for the attack on Odek IDP Camp
 - h. Crimes charged for the attack on Pagak IDP Camp
 - i. Crimes charged for the attack on Lukodi IDP Camp
 - j. Crimes charged for the attack on Abok IDP Camp
 - k. Crimes against Children abducted and integrated into the LRA
 - l. Crimes against Girls and Women abducted and integrated into the LRA
 - m. Responsibility under article 25(3)(a) - Indirect Co-perpetration (alternatively under article 25(3)(b) – Ordering and Inducing)
 - n. Responsibility under article 25(3)(a) - Indirect Co-perpetration (alternatively under article 25(3)(b) – Ordering and Inducing) – Intercept Evidence
 - o. Responsibility under article 25(3)(a) - Direct Co-perpetration

¹ See ICC-02/04-01/05-537, paras. 19-21.

3. The themes are proposed for disclosure in the above order and on a rolling basis. Each thematic disclosure will include packages grouping the items of evidence classified as INCRIM, PEXO or Rule 77. Each item is only disclosed once, which means they have been grouped to thematic packages where they are *most* relevant. However, the relevance they have for other parts of the case will be highlighted in the Prosecution's forthcoming Pre-Confirmation Brief and/or presentation of evidence at the Confirmation Hearing.
4. In relation to the crimes charged for respective attacks (*i.e.* the themes listed at sub-paras. c. to j. above), the evidence does not lend itself to further division according to each charged crime. This is because, by and large, the witnesses speak to all crimes that occurred in a given attack. Further categorisation by way of charged crime would be a practical impossibility, and above all would not aid the Chamber, Parties and Participants in their review and analysis of the evidence.
5. The Prosecution also suggests disclosing the evidence related to intercepted radio communications as part of the theme of indirect co-perpetration listed in sub-para. n., while at the same time grouping this distinct type of evidence in its own packages. This will aid the Chamber, Parties and Participants in navigating the different categories of intercept evidence because the disclosures will be accompanied by their own descriptive disclosure notifications, as well as an overview table.

III. CONCLUSION AND RELIEF SOUGHT

6. For the reasons set out above, the Prosecution respectfully requests that the Chamber approve the Prosecution's proposal for thematic disclosure as set out herein.



Karim A. A. Khan KC, Prosecutor

Dated this 3rd day of January 2025
At The Hague, The Netherlands