



Original: English

**No. ICC-02/04-01/05
Date: 23 January 2025**

PRE-TRIAL CHAMBER III

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

**SITUATION IN THE REPUBLIC OF UGANDA
IN THE CASE OF
*THE PROSECUTOR v. JOSEPH KONY***

Public

Decision on the ‘Prosecution’s Proposal on Disclosure Themes’

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☐ Legal Representatives of the Victims

☐ Legal Representatives
of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☒ The Office of Public Counsel
for Victims

☐ The Office of Public Counsel
for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar
Mr Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

PRE-TRIAL CHAMBER III of the International Criminal Court issues this ‘Decision on the “Prosecution’s Proposal on Disclosure Themes”’ pursuant to article 61(3) of the Rome Statute.

1. On 12 December 2024, the Chamber issued the ‘Decision Setting the Disclosure Regime’ (the ‘Disclosure Decision’),¹ thereby, *inter alia*, ordering the Prosecution to submit a proposal detailing its disclosure themes by no later than 10 January 2025.²
2. On 3 January 2025, the Prosecution submitted the ‘Prosecution’s Proposal on Disclosure Themes’ (the ‘Prosecution Proposal’).³ The Prosecution proposes to carry out its disclosure according to a number of themes, with each thematic disclosure including packages grouping the items of evidence classified as INCRIM, PEXO or Rule 77.⁴ The Prosecution further indicates that, in relation to the crimes charged for respective attacks, the evidence does not lend itself to further division according to each charged crime as, by and large, the witnesses speak to all crimes that occurred in a given attack.⁵ The Prosecution also suggests disclosing the evidence related to intercepted radio communications as part of the theme of indirect co-perpetration, while at the same time grouping this distinct type of evidence in its own packages.⁶
3. On 6 and 7 January 2025, the Defence and the Office of Public Counsel for Victims, respectively, informed the Chamber, by way of email communication, that they do not intend to respond to the Prosecution Proposal.⁷
4. The Chamber, having considered the proposed themes and the additional explanation provided by the Prosecution, approves the Prosecution Proposal and further orders the Prosecution to commence its disclosure in accordance with the directions set out in the Disclosure Decision.

¹ [ICC-02/04-01/05-537](#).

² [Disclosure Decision](#), para. 20.

³ [ICC-02/04-01/05-544](#).

⁴ [Prosecution Proposal](#), paras 2-3.

⁵ [Prosecution Proposal](#), para. 4.

⁶ [Prosecution Proposal](#), para. 5.

⁷ Email from the Defence to the Chamber, 6 January 2025, at 15:47; Email from the Office of the Public Counsel for Victims to the Chamber, 7 January 2025, at 11:12.

FOR THESE REASONS, THE CHAMBER HEREBY

APPROVES the Prosecution Proposal; and

ORDERS the Prosecution to commence its disclosure in accordance with the directions set out in the Disclosure Decision.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Althea Violet Alexis-Windsor

Presiding Judge



Judge Iulia Antoanella Motoc



Judge Haykel Ben Mahfoudh

Dated this Thursday, 23 January 2025.

At The Hague, The Netherlands.