



Original: **English**

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

Date: **7 March 2025**

PRE-TRIAL CHAMBER III

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

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

**Public
with Confidential Annexes A - D**

Prosecution's Fourteenth Communication of the Disclosure of Evidence

Source: Office of the Prosecutor

Document 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. NOTIFICATION

1. The Prosecution submits this communication regarding the disclosure of evidence to the Defence, in compliance with Pre-Trial Chamber III's orders¹ and pursuant to articles 61(3)(b) and 67(1)(a) and (b) of the Statute, and rules 76(3) and 77 of the Rules of Procedure and Evidence.

II. CONFIDENTIALITY

2. The Annexes, appended to this filing, are classified as "Confidential" as they refer to evidence disclosed *inter partes* that should not be released to the public.

III. DISCLOSURE OF EVIDENCE

3. On 6 March 2025, the Prosecution disclosed to the Defence 633 items.

4. The items are organised under the following disclosures:

- a. Pre-Confirmation Responsibility under Art. 25(3)(a) - Indirect Co-perpetration – Intercept Evidence I INCRIM package 014, containing 163 items, listed in Confidential Annex A;
- b. Pre-Confirmation Responsibility under Art. 25(3)(a) - Indirect Co-perpetration – Intercept Evidence II INCRIM package 015, containing 76 items, listed in Confidential Annex B; and
- c. Pre-Confirmation Responsibility under Art. 25(3)(a) - Indirect Co-perpetration – Intercept Evidence III INCRIM package 016, containing 394 items, listed in Confidential Annex C.

5. As indicated in the disclosure titles, these items comprise the evidence pertaining primarily to article 25(3)(a) Indirect Co-perpetration, specifically items of evidence which are categorised as recordings of intercepted communications of the

¹ ICC-02/04-01/05-537; ICC-02/04-01/05-548.

Lord's Resistance Army ("Intercept Evidence"). Due to the large amount of relevant items in this category of evidence and mindful of the Defence's resources, the Prosecution will disclose further packages of Intercept Evidence next week.

6. The Prosecution has organised the Intercept Evidence according to categories for better understanding. For an overview of the key Intercept Evidence, the Prosecution provides a table situating the relevant items which were disclosed yesterday, and will be disclosed next week (Annex D). In the Ongwen trial judgment the intercept materials were also described in detail.²

7. In short, Intercept I INCRIM package 014 contains 163 short-hand rough notes of intercepted conversations. Interceptors wrote these notes as the communications transpired to inform the formal logbook entries they made subsequently.

8. Intercept II INCRIM package 015 contains 76 interceptor logbooks. In total 63 individual logbooks³ were collected, and some re-scanned later for better legibility.⁴ They are written by the interceptors in plain language and are contemporaneous to the interceptions. After the LRA communication ended, radio operators de-coded their short-hand rough notes and wrote the intelligible content into logbooks, in English. Three different entities created such logbooks: Internal Security Organisation (ISO), Ugandan Peoples Defence Forces (UPDF) and the Ugandan Police.

9. Intercept III INCRIM package 016 contains 394 faxed copies of logbook entries. After the operators finished writing in the logbooks, radio operators physically took the logbooks to show the UPDF Division Commander of the respective barracks after each LRA communication time. The ISO, for each communication time, also faxed a copy of the logbook entry to their superiors in Kampala. They are copies of logbook entries and thus add little probative value. However, on occasion they are more legible

² Ongwen TJ, paras. 614-846.

³ Of these logbooks, 23 from ISO, 20 from the UPDF, and 26 from the Police, see Annex D.

⁴ See Annex D for the DOC IDs of the re-scanned UPDF logbooks.

than the original entry and are thereby disclosed as incriminating evidence together with the logbooks for consistency.


A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line and a small dot.

Karim A. A. Khan KC, Prosecutor

Dated this 7th day of March 2025

At The Hague, The Netherlands