



Original: **English**

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

Date: **24 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 - C**

Prosecution's Sixteenth 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

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REGISTRY

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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 20 March 2025, the Prosecution disclosed to the Defence 4,405 items.

4. The items are organised under the following disclosures:

- a. Pre-Confirmation Responsibility under Art. 25(3)(a) - Indirect Co-perpetration – Intercept Evidence VI INCRIM package 019, containing 533 items, listed in Confidential Annex A;
- b. Pre-Confirmation Responsibility under Art. 25(3)(a) - Indirect Co-perpetration – Intercept Evidence VII INCRIM package 020, containing 3,536 items, listed in Confidential Annex B; and
- c. Pre-Confirmation Responsibility under Art. 25(3)(a) - Indirect Co-perpetration – Intercept Evidence Rule 77 package 014, containing 336 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 has disclosed the Intercept Evidence in several categories over the course of the past weeks, with these packages being the final ones.

6. The Prosecution has organised the Intercept Evidence according to categories for better understanding.

7. In short, Intercept VI INCRIM package 019 contains 533 items, which are related to the intercept process, including mainly chain of custody information. In this package, the Prosecution has included photographs taken at the ISO intercept house, including of antennas, intercept rooms and intercept equipment and ISO archive by the Office of the Prosecutor in May 2015. Further, there are photographs taken by the Prosecution in February 2016 at the Kamdini Police Station and the Gulu Police HQ of radio intercept facilities and files. In addition, items related to the enhancement project of P-0256 of audio recordings of intercepted conversations are included (see below). These items are disclosed as INCRIM for the sake of completeness.

8. Intercept VII INCRIM package 020 contains over 630 original audio tape recordings of intercepted LRA communications. However, the individual audio tapes have several tracks each, which are individually registered under the parent DocID with the suffix Track01, Track02 etc. The record type used upon registration is "mobile communication". Further, this package includes *enhanced* audio recordings and related reports on the enhancement project. The experts who enhanced batches of the original audio recordings are P-0242 and P-0256/P-0255. The enhanced audio tracks have been linked to these witnesses for better identification. Furthermore, the package includes 630 typed summaries of audio recordings produced by the Prosecution. These are internally produced and disclosed for the sake of completeness INCRIM. They are not evidence, unlike the logbooks, intelligence reports or audios, but assist in navigating the content of the audios.

9. Intercept Rule 77 package 014 contains 336 items, related to Intercept Evidence disclosed as INCRIM and which is therefore potentially material to the preparation of the Defence. This package also includes the statements of P-0242 and P-0256 relevant to the enhancement of audio recordings.

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 24th day of March 2025

At The Hague, The Netherlands