

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **1 April 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 Seventeenth 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 28 March 2025, the Prosecution disclosed to the Defence 73 items.

4. The items are organised under the following disclosures:

- a. Pre-Confirmation Responsibility under Art. 25(3)(a) – Direct Perpetration – INCRIM package 21, containing 27 items, listed in Confidential Annex A;
- b. Pre-Confirmation Responsibility under Art. 25(3)(a) – Direct Perpetration – Rule 77 package 15, containing 40 items, listed in Confidential Annex B; and
- c. Pre-Confirmation Responsibility under Art. 25(3)(a) – Direct Perpetration – PEXO package 7, containing 6 items, listed in Confidential Annex C.

5. As indicated in the disclosure titles, these items comprise the evidence and information pertaining primarily to article 25(3)(a) - Direct Perpetration.

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

6. The Prosecution has also included several items, which primarily relate to other aspects of the case. These items were identified as part of additional review the Prosecution conducted as part of its ongoing obligations pursuant to rule 77 as well as article 67(2). Some items were only recently collected. Where applicable the items are linked to a witness for ease of reference.

7. Furthermore, by way of Pre-Confirmation Reclassification INCRIM Package 001, the Prosecution reclassifies 12 items to INCRIM which were originally disclosed inadvertently as Rule 77. These are set out in Annex D.

8. Without prejudice to its ongoing obligations pursuant to article 67(2) as well as rule 77, and any future requests for disclosure by the Chamber or the Defence, this concludes the Prosecution's pre-confirmation disclosure.

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

Karim A. A. Khan KC, Prosecutor

Dated this 1st day of April 2025

At The Hague, The Netherlands