

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/04-01/15

Date: 18 May 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. DOMINIC ONGWEN***

Public with Confidential Annex A

Prosecution's Communication of the Disclosure of Evidence

Source: The 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

Ms Fatou Bensouda

Mr James Stewart

Mr Benjamin Gumpert

Counsel for Dominic Ongwen

Mr Krispus Ayena Odongo

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Section

Detention Section

Victims Participation and Reparations Section

Other

Introduction

1. The Office of the Prosecutor (“Prosecution”) herewith submits in accordance with rule 121(2)(c) of the Rules of Procedure and Evidence (“the Rules”) its communication of incriminatory evidence disclosed pursuant to articles 61(3)(b), 67(1)(a) and (b) of the Rome Statute and rule 76(1) of the Rules.
2. On 30 March 2015, the Prosecution informed the Single Judge of its intention to disclose to the Defence by mid-May 2015¹ the material relevant to 29 witnesses upon whose evidence it intends to rely upon to prove the charges against Dominic Ongwen.

Submission

3. On 15 May 2015, the Prosecution disclosed to the Defence three packages of incriminating evidence containing 224 items, amounting to 5557 pages in total.² Of these items, 15 are open source material and 209 are relevant to 26 Prosecution witnesses. The three remaining witnesses are being contacted and the Prosecution expects to disclose the material relevant to them by mid-June 2015.
4. With respect to the redactions that have been applied, the Prosecution submits that all of these fall under the “standard categories” which have been pre-approved by the Single Judge.³ These redactions are minimal and do not affect the substance of the material nor the ability of the Defence to comprehend it. Further, all identifying information of these witnesses has been made known to the Defence.

¹ ICC-02/04-01/15-215, para. 5.

² See Confidential Annex A.

³ ICC-02/04-01/15-224, para. 4.

Confidentiality

5. Annex A appended to this communication contains the list of the evidence that has been disclosed to the Defence. The Prosecution requests that this annex be received as “Confidential” since it relates to *inter partes* disclosure.



Fatou Bensouda,
Prosecutor

Dated this 18th day of May 2015
At The Hague, The Netherlands