

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/15
Date: 22 December 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

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Legal Representatives of Victims

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

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Victims**

Ms Paolina Massidda

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Defence**

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States Representatives

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 the disclosure of incriminatory evidence pursuant to articles 61(3)(b), 67(1)(a) and (b) of the Rome Statute (“the Statute”) and rule 76(1) of the Rules, potentially exculpatory evidence pursuant to article 67(2) as well as material for the preparation of the defence pursuant to rule 77 of the Rules.

Submission

2. On 21 December 2015, the Prosecution disclosed to the Defence three packages¹ of evidence consisting of 1658 items amounting to 12534 pages.
3. With respect to the redactions, the Prosecution submits that they fall under the “standard categories” which have been pre-approved by the Single Judge.² These redactions are minimal and affect neither the substance of the material nor the ability of the Defence to comprehend it. In addition to these, the Prosecution has also applied to one item³ “non-standard category” redactions of which the application was filed with the Chamber on 21 December 2015.⁴ Should the Chamber reject the application, the Prosecution will lift the redactions and re-disclose the item to the Defence.

¹ The incriminating package contains 469 items amounting to 3582 pages, the potentially exculpatory package contains two items amounting to five pages and the Rule 77 package contains 1187 items amounting to 8947 pages.

² ICC-02/04-01/15-224, para. 4.

³ UGA-OTP-0236-0518.

⁴ ICC-02/04-01/15-374-Conf-Exp.

Confidentiality

4. 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 22nd day of December 2015
At The Hague, The Netherlands