

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 11 March 2016

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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Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

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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.

Background

2. On 21 December 2015, the Prosecution filed its List of Evidence (“LoE”)¹ and submitted a revised version on 22 December 2015.²
3. On 8 January 2016, the Prosecution submitted a request³ for extension of the time limit to present evidence, in which it informed the Single Judge that the LoE included a document that had not been disclosed to the Defence due to an error. In the same submission the Prosecution informed the Single Judge that it had, that same day, disclosed the document concerned to the Defence.
4. On 12 January 2016, the Single Judge decided to consider the document as properly submitted for the confirmation hearing.⁴

Submission

5. The Prosecution omitted to submit its communication of the disclosure at the time and now seeks to remedy that omission. The Prosecution appends the list of the disclosed evidence as Annex A.

¹ ICC-02/04-01/15-375-Conf-AnxD.

² ICC-02/04-01/15-378-Conf-AnxA.

³ ICC-02/04-01/15-394-Conf.

⁴ ICC-02/04-01/15-397.

6. 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.⁵ These redactions are minimal and affect neither the substance of the material nor the ability of the Defence to comprehend it.

Confidentiality

7. The annex to this submission 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 11th day of March 2016
At The Hague, The Netherlands

⁵ ICC-02/04-01/15-224, para.4.