

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: **3 October 2016**

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Raul C. Pangalangan

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
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Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Office of the Prosecutor (“Prosecution”) provides notice of the disclosure of evidence pursuant to articles 64(3)(c) and 67(1)(a),(b) of the Rome Statute, and rules 76(3) and 77 of the Rules of Procedure and Evidence.

Submission

2. On 3 October 2016, the Prosecution disclosed to the Defence two packages of evidence: Pre-Trial INCR package 29 consisting of 120 items/951 pages, and Pre-Trial rule 77 package 22 consisting of 13 items/29 pages.

3. With respect to the applied redactions, the Prosecution submits that they fall under the “standard categories” that have been pre-approved by the Single Judge of Pre-Trial Chamber II.¹ As per the Single Judge of this Chamber, the procedures adopted for “pre-approved redactions” at the confirmation stage remain in place.² These redactions are minimal and affect neither the substance of the material nor the ability of the Defence to comprehend it.

4. Finally, the Prosecution informs the Chamber that it will shortly file an application to add to its 6 September 2016 list of evidence³ new evidence collected after the disclosure deadline, as well as a number of items it accidentally omitted.

¹ ICC-02/04-01/15-224, para. 4.

² ICC-02/04-01/15-432, para. 4.

³ ICC-02/04-01/15-532-Conf-AnxA.

Confidentiality

5. Annex A attached to this communication contains the list of 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 3rd day of October 2016
At The Hague, The Netherlands