

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/04-01/15**
Date: **13 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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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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Counsel Support Section

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 11 October 2016, the Prosecution disclosed to the Defence pre-trial rule 77 package 23 consisting of 41 items/509 pages.

3. With respect to the applied redaction, the Prosecution submits that it falls under the “standard category” that has 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 This redaction is minimal and affects neither the substance of the material nor the ability of the Defence to comprehend it.

4. Disclosure is the Prosecution’s on-going obligation and it will continue disclosing to the Defence evidence under rule 77 or article 67(2) throughout the trial. In relation to the items that the Prosecution wish to add to the List of Evidence, it will shortly file an application with the Chamber.

¹ ICC-02/04-01/15-224, para. 4.

² ICC-02/04-01/15-432, para. 4.

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 13th day of October 2016
At The Hague, The Netherlands