

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-02/04-01/15**
Date: **2 December 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 30 November 2016, the Prosecution disclosed to the Defence “Pre-trial INCR package 35” containing 13 items/324 pages. The disclosed items are Acholi and English versions of the English only transcripts previously disclosed of witness P-0142. Additionally, in line with the Trial Chamber’s instructions¹ the Prosecution disclosed to the Defence the Acholi translation of witness P-0001’s statement.

3. On 1 December 2016, the Prosecution disclosed to the Defence “Pre-trial Rule 77 package 28” containing 878 items/9.252 pages. These items are transcripts of the sounds recordings of the LRA radio communications. They were internally produced by the Prosecution over the course of its investigation and analysis of the evidence relevant to the case.

4. On 2 December 2016, the Prosecution disclosed to the Defence “Pre-trial Rule 77 package 29” containing 102 items/102 pages. These items are expenses of the Prosecution’s trial witnesses.

5. 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

¹ ICC-02/04-01/15-600, para. 28.

Pre-Trial Chamber II.² As per the Single Judge of this Chamber, the procedures adopted for “pre-approved redactions” at the confirmation stage remain in place.³ These redactions are minimal and affect neither the substance of the material nor the ability of the Defence to comprehend it.

Confidentiality

6. 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 2nd day of December 2016
At The Hague, The Netherlands

² ICC-02/04-01/15-224, para. 4.

³ ICC-02/04-01/15-432, para. 4.