

ANNEX 9

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 20 March 2025 15:32
To: OTP Kony Communications
Cc: D35 Kony Defence team; Kony LRV Team OPCV; Court Management-Court Records; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Pre-Trial Chamber III Communications
Subject: ICC-02/04-01/05: Single Judge Order supplementing the 'Decision on the Document Containing the Charges' (ICC-02/04-01/05-538) as regards the Prosecution's forthcoming list of evidence – public

Dear Counsel,

The Single Judge recalls the Chamber's "Decision on the Document Containing the Charges and the 'Victims' Concerns on the Document Containing the Charges'" (ICC-02/04-01/05-538), in which *inter alia* it ordered the Prosecution to submit a list of evidence pursuant to Rule 121 (3) of the Rules of Procedure and Evidence by no later than 17 April 2025.

The Single Judge further recalls paragraph 30 of the 'Decision Setting the Disclosure Regime' (ICC-02/04-01/05-537), in which it observed that '[c]ertain materials from the Ongwen Case may ostensibly hold a degree of relevance to the present case in view of the partially overlapping allegations levelled by the Prosecution in both cases' and that '[t]herefore the Prosecution is, in principle, entitled to rely on some of these materials with a view to attempting to substantiate its allegations in the present case', subject to its obligations under article 67(2) of the Rome Statute and rule 77 of the Rules of Procedure and Evidence.

Accordingly, with a view to further facilitating the work of the Defence, the Single Judge orders the Prosecution to specify, for each of the items it will include in its forthcoming list of evidence, whether that evidentiary item was also relied upon by the Prosecution in the Ongwen case.

The Single Judge defers to the Prosecution as to the modalities and format in which to convey this information and trusts that it will be feasible to comply with this additional direction within the 17 April 2025 deadline. Should the Prosecution encounter obstacles, and require an extension of time for doing so, it is instructed to request such extension, limited to the submission of the additional information requested by this order, by no later than **1 April 2025**.

Thank you and kind regards.

On behalf of Judge Alexis-Windsor, Single Judge