

ANNEX 12

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 26 May 2025 09:38
To: OTP Kony Communications
Cc: D35 Kony Defence team; Kony LRV Team OPCV; Associate Legal Officer-Court Officer; Court Management-Court Records; Chamber Decisions Communication; Pre-Trial Chamber III Communications
Subject: ICC-02/04-02/05 – Single Judge decision on the Prosecution request to replace an item on the list of evidence – public

[ICC] RESTRICTED

Dear Prosecution,

The Single Judge, having noted the Prosecution request below, considers that the submission of a revised version of the List of Evidence, following the replacement of one of its items, amounts to a variation of the original deadline after its lapse, within the meaning of regulation 35(2) of the Regulations of the Court. The Single Judge accepts that the inclusion of the wrong version of the relevant item was the result of an inadvertent clerical error; furthermore, the inclusion of the correct version of the relevant item will not constitute a substantive amendment to the List of Evidence and will result in broadening the information available to the Defence and the Chamber.

For these reasons, the Single Judge grants the Prosecution Request and authorises the filing of an updated version of the List of Evidence by no later than **Friday 30 May 2025**.

Thank you and kind regards.

On behalf of Judge Alexis-Windsor, Single Judge

From: OTP Kony Communications [REDACTED]
Sent: 13 May 2025 14:45
To: Pre-Trial Chamber III Communications [REDACTED]
Cc: D35 Kony Defence team [REDACTED]; Kony LRV Team OPCV [REDACTED]
 [REDACTED]; OTP Kony Communications [REDACTED]
Subject: Prosecution request to replace an item on its List of Evidence

[ICC] RESTRICTED

Dear Pre-Trial Chamber III,
 Dear Counsel,

As per the disclosure communication notified today ICC-02/04-01/05-603), a number of new items were disclosed to the Defence yesterday. Of these, UGA-OTP-00001517 – the confidential transcript of P-0366's testimony in the Ongwen trial – was disclosed as INCRIM. In the course of inter partes discussions, the Prosecution realised that it had, in error, only disclosed the public redacted transcript of P-0366's testimony (see UGA-OTP-00001268).

The Prosecution accordingly seeks leave of the Chamber to replace the public redacted transcript (UGA-OTP-00001268) with the confidential transcript (UGA-OTP-00001517) on its List of Evidence. This would ensure that the full version of P-0366's prior testimony is available to the Chamber in its deliberations. If leave is granted, the Prosecution will file an updated List of Evidence forthwith.

Kind regards,

OTP Kony Team