

Pursuant to Pre-Trial Chamber III Single Judge's order dated 01 November 2024, this document has been reclassified as "Public"

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-02/04-01/05
Date: 18 September 2006

PRE-TRIAL CHAMBER II

Before: Judge Fatoumata Dembele Diarra, Single judge

Registrar: Mr Bruno Cathala

**SITUATION IN UGANDA
IN THE CASE OF
THE PROSECUTOR
*v. JOSEPH KONY, VINCENT OTTI, RASKA LUKWIYA, OKOT ODHIAMBO
AND DOMINIC ONGWEN***

**Under seal
Ex parte only available to the Office of the Prosecutor**

**Submission by the Registrar on Clarifications and Corrigendum related to the
filing of 13 September 2006 on the Prosecutor's Request for the disclosure of
certain sealed documents on Record in the situation in Uganda**

The Office of the Prosecutor
Mr. Luis Moreno Ocampo, Prosecutor
Ms. Fatou Bendouda, Deputy Prosecutor,
Ms. Christine Chung, Senior Trial
Lawyer
Mr. Eric Macdonald, Trial Lawyer

Pursuant to Pre-Trial Chamber III Single Judge's order dated 01 November 2024, this document has been reclassified as "Public"

The Registrar of the International Criminal Court (the Court);

NOTING the order of the single Judge of Pre Trial Chamber II that the Victims and Witnesses Unit submit observations on the Prosecutor's request to disclose certain sealed documents in the matter dated 29 August 2006¹,

NOTING the filing of the Registrar on Prosecutor's Request for the disclosure of certain sealed documents on Record in the situation in Uganda dated 14 September 2006²,

NOTING articles 68(4) and 43(6) of the Rome Statute,

CONSIDERING that the VWU realised that the use of certain terminology in the filing may have unfortunately created confusion for the Chamber,

SUBMITS its clarifications on the use of terminology in the filing and a corrigendum with amendments to the submission.

I. Clarifications on the use of terms

- 1) Unsealing – refers to lifting a seal on a document and classifying it confidential or public in accordance with Regulation 14 (a) and (b) of the Regulations of the Registry.
- 2) Disclosure, disclosed and disclosing – these words are not used to refer to the legal term "disclosure" in terms Section II of the Rules of Procedure and

¹ *Prosecutor v Joseph Kony, Vincent Otti, Raskwa Lukwiya, Okot Odhiambo and Dominic Ongwen*, Ordonnance sollicitant de la division d'aide aux victimes et aux témoins des observations relatives à la levée des scellés concernant certains documents dans les dossiers de la situation et de l'affaire, ICC-02/04-01/05-107-US-Exp, 29 August 2006, pg 5-7.

² *Prosecutor v Joseph Kony, Vincent Otti, Raskwa Lukwiya, Okot Odhiambo and Dominic Ongwen*, Observations of the Registrar On the Prosecutor's Request for the Disclosure of Certain Sealed Documents on Record in the Situation in Uganda, ICC-02/04-01/05.

Evidence *inter alia*. Rather the term is used to refer to the treatment of a document in such a way that it is made available to the public.

II. Corrigendum

3) *Ad paragraph commencing with the line "Considering that..." on page 4*

'**CONSIDERING** that the Regulations of the Registry provide for two kinds of classifications for documents that are not under seal, namely confidential and public³. The VWU understands that the unsealing of documents may not necessarily lead to their publication but they **could** be classified as confidential **by the Pre Trial Chamber**⁴. ' (the amendments are in bold)

4) *Ad paragraph 2.1.1 to 2.2.3 on page 8*

1) The deletion of the following paragraph:

"Reasons for VWU requested redactions of the content: this document describes ICC network of contacts used to get confidential information. Disclosure could have an impact on the security of the information sources."

2) The alteration of the numbering of the paragraphs:

2.2.1 alters to 2.1.4

2.2.2 alters to 2.1.5

2.2.3 alters to 2.1.6

³ Regulations of the Registry (ROR), Regulation 14.

⁴ Decision to unseal further documents of the record, 9 March 2006, ICC-02/04-01/05-78, pg 2; see also ROR Regulation 14

Pursuant to Pre-Trial Chamber III Single Judge's order dated 01 November 2024, this document has been reclassified as "Public"

5) ***Ad paragraphs 2.3 to 2.7 on pages 9 and 10***

1) The alteration of the numbering of the paragraphs:

2.3 alters to 2.2

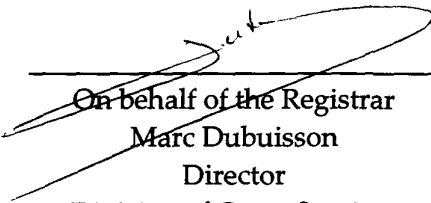
2.4 alters to 2.3

2.5 alters to 2.4

2.6 alters to 2.5

2.7 alters to 2.6

INFORMS the Single Judge that, due to a technical problem, the VWU did not have access to the redactions proposed by the Prosecutor. This would have been beneficial to the VWU in preparing its observations.



On behalf of the Registrar
Marc Dubuisson
Director
Division of Court Services

Dated this 18th day of September 2006

At The Hague, The Netherlands