

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/05

Date: 18 April 2008

PRE-TRIAL CHAMBER II

Before: Judge Fatoumata Dembele Diarra, Single Judge

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

Under Seal

Ex parte only available to the Prosecution and the Registry

**Recommendation by the Registrar and the Victims and Witnesses Unit in relation
to the treatment of the documents presented in Annex II of the Order of the Single
Judge of 19 March 2008**

Source: Registrar

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

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Eric MacDonald, Trial Lawyer

Counsel for the Defence

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Legal Representatives of Victims

-

Legal Representatives of Applicants

-

Unrepresented Victims

-

**Unrepresented Applicants for
Participation/Reparation**

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**The Office of Public Counsel for
Victims**

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**The Office of Public Counsel for the
Defence**

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States Representatives

-

Amicus Curiae

-

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

-

Victims and Witnesses Unit

Mr Simo Väättäinen

Detention Section

-

**Victims Participation and Reparations
Section**

-

Other

-

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

NOTING the "Ordonnance sollicitant du Procureur et 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 et à la modification du niveau de confidentialité de ceux-ci"¹ (the «Order of the Single Judge»), issued by the Single Judge of Pre-Trial Chamber II (the "Single Judge") on 19 March 2008 ;

NOTING Annex II to the Order of the Single Judge available to the Registry and the Prosecution only²;

NOTING Articles 68(1) and (4) and 43(6) of the Rome Statute, Rules 17-19, 87 and 88 of the Rules of Procedure and Evidence, and Regulation 41 of the Regulations of the Court;

CONSIDERING that the Single Judge ordered the Registrar and the Victims and Witnesses Unit to submit by 18 April 2008 a recommendation in relation to the treatment of all documents presented in Annex II to the Order of the Single Judge, documents contained in the records of the situation and the case, and the reasons for the proposed treatment³;

CONSIDERING that the Single Judge ordered to follow the official numbering of the records of the situation and the case, and to include all recommendations in one document⁴;

¹ ICC-02/04-01/05-284.

² ICC-02/04-01/05-284-US-Exp-AnxII.

³ ICC-02/04-01/05-284, p. 7.

⁴ *Id.*

CONSIDERING that the Single Judge ordered that the said recommendation be presented *Ex parte*, only available to the Registry and the Prosecution⁵;

SUBMITS the following recommendations:

1. ICC-02/04-01/05-133-Conf: RAPPORT COMPLEMENTAIRE DU GREFFIER SUR L'ETAT D'EXECUTION DES MANDATS D'ARRET DANS LA SITUATION EN OUGANDA.

The Registrar has no objection to making this document public.

2. ICC-02/04-01/05-133-Conf-Anx1 : Note verbale from the embassy of Sudan date 17 Nov 2006 ref SH/53/ICC/2006/5; and
ICC-02/04-01/05-133-Conf-Anx2 : Note verbale from the embassy of Sudan date 17 Nov 2006 ref SH/53/ICC/2006/6.

These documents are an original version (ICC-02/04-01/05-133-Conf-Anx1) and a French translation (ICC-02/04-01/05-133-Conf-Anx2) of a Note verbale of the Republic of Sudan. Consequently, the Registrar is not in a position to recommend a change in the level of confidentiality. The Registrar has no objection to making them public, if the Republic of Sudan finds such treatment appropriate⁶.

3. ICC-02/04-01/05-133-Conf-Anx3: Document in Arabic from Republic Sudan Ministry of Justice;

ICC-02/04-01/05-133-Conf-Anx4: Ministry of Justice Document dated 17/12/2005 from Salah-el-dine Zayd Mokhtar Procureur de la République du Soudan ; and

ICC-02/04-01/05-133-Conf-Anx5 : Ministry of Justice Document dated 17/12/2005 from Salah-el-dine Zayd Mokhtar Procureur de la République du

⁵ *Id.*

⁶ It should be noted that the authorities of the Republic of Sudan classified this document as confidential.

Soudan Subject request for arrest of accused members of the Ugandan lords Army.

The Registrar notes that these documents represent a copy of the original version (ICC-02/04-01/05-133-Conf-Anx3), and the respective French and English translations (ICC-02/04-01/05-133-Conf-Anx4 and ICC-02/04-01/05-133-Conf-Anx5) of the requests issued by the authorities of the Republic of Sudan. Consequently, the Registrar is not in a position to recommend a change in the level of confidentiality. The Registrar has no objection to making them public, if the Republic of Sudan finds such treatment appropriate⁷.

4. ICC-02/04-01/05-261-Conf-Exp: Notification to Pre-Trial Chamber II of receipt of applications a/0324/07 to a/0326/07.

The Registrar submits that this document should remain confidential *Ex parte* only available to the Victims Participation and Reparations Section, as it contains sensitive information in relation to the applications from victims.

5. ICC-02/04-01/05-263-Conf: Submission by the Registrar on the Progress Made for the Execution of the Warrants of Arrest in the Case of Uganda.

This document contains information regarding the requests for arrest and surrender transmitted to the Central African Republic which remain confidential⁸. Furthermore, in light of the "Decision on the Prosecutor's Urgent Application dated 10 March 2008", issued by Pre-Trial Chamber II on 12 March 2008⁹, the Registrar is of the view that it would not benefit the execution of the warrants of arrest to render this document public.

6. ICC-02/04-01/05-263-Conf-Anx1: Annex 1: letter from Marc Dubuisson to Mrs Kiggundu.

The Registrar has no objection to making this document public.

⁷ Contrary to the documents mentioned in paragraph 2 of the present Recommendation, the authorities of the Republic of Sudan did not indicate the level of classification of these documents.

⁸ ICC-02/04-01/05-263-Conf, p. 3, referring to ICC-02/04-01/05-224-Conf-Exp.

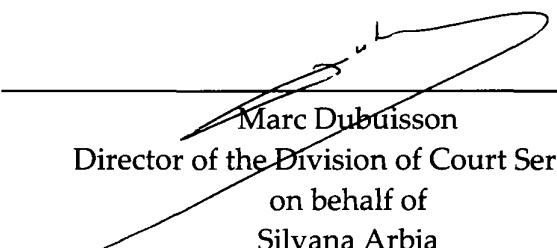
⁹ ICC-02/04-01/05-278-US-Exp.

7. ICC-02/04-01/05-263-Conf-Anx2: Annex 2: REPORT ON THE EXECUTION OF WARRANTS AGAINST JOSEPH KONY, VINCENT OTTL, OKOT ODHIAMBO AND DOMINIC ONGWEN.

The Registrar notes that this document is a report of the authorities of the Republic of Uganda. Consequently, the Registrar is not in a position to recommend a change in the level of confidentiality. The Registrar has no objection to making it public, if the Republic of Uganda finds such treatment appropriate¹⁰.

8. ICC-02/04-01/05-263-Conf-Anx3: Annex 3. correspondance de Tshimanga Mukeba au Greffier.

This document is a letter of the authorities of the Democratic Republic of the Congo. Consequently, the Registrar is not in a position to recommend a change in the level of confidentiality. The Registrar has no objection to making it public, if the Democratic Republic of the Congo finds such treatment appropriate¹¹.



Marc Dubuisson
Director of the Division of Court Services
on behalf of
Silvana Arbia
Registrar

Dated this 18 April 2008

At The Hague, The Netherlands

¹⁰ It should be noted that the authorities of the Republic of Uganda did not mention the level of classification of this document.

¹¹ It should be noted that the authorities of the Democratic Republic of the Congo did not mention the level of classification of this document.