

**Cour
Pénale
Internationale**
**International
Criminal
Court**

No.: ICC-02/04

Date: 17 June 2005

Original: English

PRE-TRIAL CHAMBER II

Before: Judge Tuiloma Neroni Slade
Judge Mauro Politi
Judge Fatoumata Dembele Diarra

Registrar: Mr Bruno Cathala

SITUATION IN UGANDA

**Under Seal
Ex Parte, Prosecutor only**

**DECISION TO HOLD A HEARING ON THE PROTECTION OF VICTIMS AND
WITNESSES IN CONNECTION WITH THE PROSECUTOR'S APPLICATION
FOR WARRANTS OF ARREST AND THE PROSECUTOR'S APPLICATION
DATED 13 JUNE 2005**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mrs Fatou Bensouda, Deputy Prosecutor
Ms Christine Chung, Senior Trial Lawyer
Mr Eric MacDonald, Trial Lawyer

PRE-TRIAL CHAMBER II (the “Chamber”) of the International Criminal Court (“the Court”);

NOTING the “Prosecutor’s application for Warrants of Arrest under Article 58” dated the 6th day of May 2005, as amended and supplemented by the Prosecutor on the 13th day of May 2005 and on the 18th day of May 2005 (the “Prosecutor’s application”), and the request made that all the proceedings relating thereto be treated as and kept under seal, with a view to ensuring that vulnerable groups in Uganda, including victims and persons living in areas mentioned in the application, are not put at risk as a result of the Prosecutor’s application;

SITTING as the full Chamber, pursuant to the Chamber’s decision on the 18th day of May 2005;

NOTING the “Prosecutor’s Application To Disclose to Internal Auditor Certain Information Relating to the Amended Application for Warrants” dated the 13th day of June 2005 (the “Application dated the 13th day of June 2005”);

NOTING that the Application dated the 13th day of June 2005 is made as a result of an article published in the French newspaper *Le Monde* on the 11th day of June 2005, which reported that the Prosecutor has sought warrants of arrest against members of the Lord’s Resistance Army, as well as other similar press reports, including reports in the Ugandan press;

NOTING the references in the Application dated the 13th day of June 2005 to the “extremely damaging case-related consequences” of the dissemination of information about the Prosecutor’s application, including the “increased danger” for “victims, witnesses” and persons “investigated by the OTP” or “believed to have provided information to OTP”, and the concern that persons who have cooperated in the investigation will “be at risk of retaliation ... because the implementation of increased security measures has not yet been completed”;

NOTING also the specific request made in the Prosecutor’s application that the transmission of requests for arrest and surrender be accompanied by protective measures under 87, paragraph 4, of the Statute of the Court (the “Statute”);

NOTING that under article 68, paragraph 1, of the Statute, “the Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses”, and that under the same provision “[t]he Prosecutor shall take such measures particularly during the investigation”;

NOTING the role of the Chamber to provide for the protection and privacy of victims and witnesses under article 57, paragraph 3 (c), of the Statute;

NOTING regulations 28 and 46, sub-regulation 2, of the Regulations of the Court (the “Regulations”), pursuant to which a Chamber may respond to any request relating to an assigned situation and order a participant to clarify or provide additional details on any document; as well as regulation 48, sub-regulation 1, of the Regulations, pursuant to which the Chamber may request the Prosecutor to provide additional information in order to exercise the functions and responsibilities set forth in, *inter alia*, article 57, paragraph 3 (c), of the Statute;

CONSIDERING it necessary to hear the Prosecutor on matters concerning the protection of victims and witnesses raised by the Prosecutor's application and the Application dated the 13th day of June 2005;

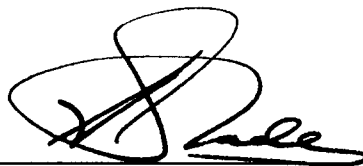
FOR THESE REASONS;

DECIDES to hold a hearing on the 21st day of June 2005 regarding the protection of victims and witnesses in connection with the Prosecutor's application and the Application dated the 13th day of June 2005;

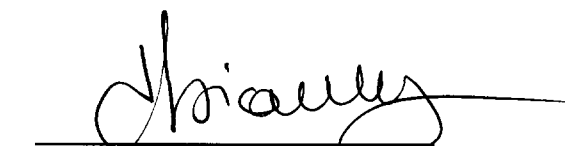
DECIDES that this hearing be held in closed session to be attended only by the Prosecutor and his representatives;

ORDERS that this decision be kept under seal, until further order by the Chamber.

Done in both English and French, the English version being authoritative.



Judge Tuiloma Neroni Slade
Presiding Judge


Judge Mauro Politi
Judge Fatoumata Dembele Diarra

Dated this 17th day of June 2005

At The Hague, The Netherlands

Seal of the Court