

**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, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Mauro Politi

Registrar: Mr Bruno Cathala

SITUATION IN UGANDA

**Under seal
Ex Parte, Prosecutor Only**

**Prosecutor's Submission of Authorities Relied Upon at Hearing Held
on 16 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	

Request for Sealing

1. Because this submission is related to the Prosecutor's Amended Application for Warrants of Arrest under Article 58, which was submitted under seal, and *ex parte*, the OTP requests that this submission also be received under seal, and *ex parte*, and that the contents and existence of this application remain sealed until further order of this Pre-Trial Chamber.

Submission of Authorities Relied Upon At Hearing

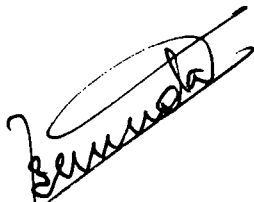
2. The OTP respectfully submits a compendium of the authorities upon which it had relied in making its presentation at the hearing of 16 June 2005. This compendium is annexed as Exhibit A. A Table of Authorities, which identifies each authority and the relevant portion of each authority, is also provided.

Amendment And Supplementation of Response at Hearing

3. At the hearing, in response to a question from Judge Politi about whether cooperation agreements negotiated by the OTP contain provisions imposing obligations on the Government of Uganda to help effectuate arrest, the Senior Trial Attorney referenced an agreement on protective measures and represented that it had been negotiated between the OTP and the Government of Uganda. Later, she stated that the agreements with the Government of Uganda were Court-wide agreements.
4. The agreement on protective measures, which was signed on 20 August 2004, was negotiated between the OTP and the Government of Uganda, as was initially stated at the hearing. It addresses "the provision of protective measures towards witnesses during *the investigation and prosecution* of crimes." Although Registry is not a signatory to this

agreement, the agreement references the Victims and Witness Unit at several points and was negotiated in consultation with VWU.

5. The cooperation agreement originally negotiated with the Government of Uganda, and entitled the "Agreement on Cooperation and Assistance," is dated 20 August 2004. (Both agreements were described in the OTP presentation of 08 February 2004). The signatories to that agreement are also the OTP and the Government of Uganda. The Registrar signed a "Memorandum of Understanding" with the Government of Uganda on the same day. The Agreement on Cooperation and Assistance and the Memorandum of Understanding had been negotiated separately but concurrently, and Registry and the OTP consulted each other during the drafting processes.



4 Luis Moreno Ocampo
Prosecutor

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Dated this 17th day of June, 2005

At The Hague, The Netherlands