

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 2 August 2007

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***

Public

**Prosecution's Submission of Observations on the Further Unsealing of Documents
of the Record**

**The Office of the Prosecutor
Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Éric MacDonald, Trial Lawyer**

In response to the Order of the Single Judge dated 12 July 2007¹ (hereinafter "12 July 2007 Order"), the Office of the Prosecutor ("OTP") respectfully submits its proposed treatment on the unsealing of further documents of the record of the case.

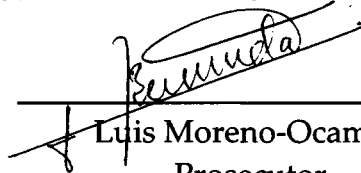
Update of Proposed Treatment of Sealed Documents

1. The OTP is submitting, under seal and *ex parte*, a chart (hereinafter "Annex A") which lists documents of the record of the case. The OTP, upon consultation with the Court Management Service ("CMS"), has identified in Annex A, under seal case related filings and decisions available to the Prosecutor that have not been the subject of an unsealing decision. Pursuant to the Single Judge's 12 July 2007 Order, Annex A follows the CMS' numbering system and details the proposed treatment of each document and the reasons for the proposed treatment.
2. Annex A is submitted under seal as it relates to documents that are currently under seal. The OTP has no objection to the unsealing of Annex A, but respectfully submits that before doing so, the content of the last column entitled: "OTP Reasons for Proposed Treatment and/or Redactions to Content" should be redacted as it describes the underlying reasons for the proposed redactions. The title of document ICC-02/04-01/05-46-US-Exp, as listed in Annex A, should also be redacted.
3. Some of the documents referred to in Annex A relate to under seal proceedings before the Appeals Chamber. The OTP respectfully submits that pursuant to Regulation 42(3) of the Regulations of the Court, the Appeals Chamber may be the competent Chamber to vary the classification of those documents. In any event, and as indicated in Annex A, the OTP has no objection to the unsealing of any of the documents related to that appeal.

¹ ICC-02/04-01/05-249.

4. The OTP is submitting in Annex B, also being filed under seal and *ex parte*, copies of some of the documents which the OTP has respectfully proposed to be disclosed to the public in redacted form. For the Court's convenience, the "strike-through" markings depict the proposed redactions. The OTP further requests that if the current Submission is to be unsealed, Annex B should remain sealed as it depicts the proposed redactions to sealed material.

5. The OTP is submitting in Annex C, also being filed under seal and *ex parte*, a letter dated 30 July 2007 from the Solicitor General of the Government of Uganda notifying the Registrar that the Government of Uganda consents to unsealing two letters, dated 21 August 2006 and 30 October 2006 respectively, in relation to the death of Raska Lukwiya.² The letter dated 21 August 2006 is annexed to document ICC-02/04-01/05-106-US-Exp and the letter dated 30 October 2006 is annexed to document ICC-02/04-01/05-126-US. The OTP has no objection to the unsealing of the letter dated 30 July 2007 but respectfully requests that the letter be disclosed only in redacted form. The "strike-through" markings in Annex C depict the proposed redactions. The OTP submits the proposed redactions of such letter pursuant to article 68(1).



 Luis Moreno-Ocampo
 Prosecutor

Dated this 2nd day of August 2007

At The Hague, The Netherlands

² The letters dated 21 August 2006 and 30 October 2006 were appended to the 30 July 2007 letter. Because the 21 August 2006 and 30 October 2006 have already been filed by OTP and Registry respectively, the OTP is not re-filing this correspondence. The OTP therefore refers to Annex A for the proposed treatment of the letters dated 21 August 2006 and 30 October 2006 and to Annex B which depicts the redactions sought. Annex C only contains the 30 July 2007 letter with proposed redactions requested by the OTP.