

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 5 February 2007

PRE-TRIAL CHAMBER II

Before: Judge Mauro Politi, Single judge

Registrar: Mr Bruno Cathala

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

**CONFIDENTIAL
Ex Parte, OPCV only
URGENT**

Request to access documents and material

The Office of the Prosecutor

Mr. Luis Moreno Ocampo, Prosecutor

Ms. Fatou Bensouda, Deputy Prosecutor

Ms. Christine Chung, Senior Trial lawyer

Office of Public Counsel for Victims

Mrs. Paolina Massidda

Ad hoc Counsel for the Defence

Ms. Michelyne C. St-Laurent

NOTING the "Decision designating a Single Judge on Victim's Issues", rendered by the Pre-Trial Chamber II on 22 November 2006¹;

NOTING the "Decision on legal representation, appointment of counsel for the defense, protective measures and time-limit for submission of observations on applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06"² rendered by the Single Judge of the Pre-Trial Chamber II on 1 February 2007;

RECALLING that on 8 July 2005 the Pre-Trial Chamber II rendered the "Decision on the Prosecutor's application for warrants of arrest under article 58" and issued sealed warrants of arrest against Joseph Kony, Vincent Otti, Okot Odhiambo, Aska Lukwiya and Dominic Ongwen³;

CONSIDERING that the Single Judge instructed the Registrar to transmit the Applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06 to the Office of Public Counsel for Victims (the "OPCV" or the "Office") *"with a view to allowing it to provide the Applicants with any support and assistance which may be necessary or appropriate at this stage of the proceedings"*⁴;

¹ Document No. ICC-02-04-01-05-130 (Original: English). The Prosecutor was authorised to disclose some of the information contained in these warrants of arrest to some specific entities while the warrant of arrest against Joseph Kony was amended pursuant to the "Decision on the Prosecutor's urgent application dated 26 September 2005", 27 September 2005, Document No. ICC-02-04-01-05-27 (Original: English). The amended warrant of arrest against Joseph Kony was filed the same date: "Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005", Document No. ICC-02-04-01-05-53 (Original: English). These warrants of arrest were later rendered public in a redacted form pursuant to the "Decision on the Prosecutor's Application for unsealing of the warrants of arrest", 13 October 2005, Document No. ICC-02-04-01-05-52 (Original: English).

² Document No. ICC-02-04-01-05-134 (Original: English).

³ Document No. ICC-02-04-01-05-1-US-Exp (Original: English).

⁴ Situation in Uganda, *The Prosecutor v Joseph Kony, Vincent Otti, Okot Odhiambo, Aska Lukwiya, Dominic Ongwen*, Case No. ICC-02/04-01/05, "Decision on legal representation, appointment of counsel for the defence, protective measures and time-limit for submission of observations on applications for

CONSIDERING that the Principal Counsel of the OPCV is undertaking a mission in Uganda from 14 until 28 February 2007 with a view to provide assistance and support to the applicants;

CONSIDERING that the OPCV has no access to the records of the situation and of the case and therefore is not in the position to assess the need to disclose others documents or material;

CONSIDERING that the disclosure to the Principal Counsel of the sealed warrants of arrest is, in the view of the OPCV, necessary in order for the Office to provide support and assistance to the applicants, in particular in order to identify any factual and/or legal issues which may affect their interests at this stage of the proceedings, as well as to evaluate the causality link between the harm suffered by the potential victims and the persons sought by the Court;

FOR THE FOREGOING REASONS

The OPCV respectfully requests the Single Judge to order the Registrar to provide the Principal Counsel with the sealed warrants of arrest not later than 8 February 2007.

The OPCV also respectfully requests the Single Judge to order the Registrar to provide the Principal Counsel with the index of the situation and case records.

participation a/0010/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06" (PTC-II), 1 February 2007, Document No. ICC-02-04-01-05-130 (Original: English), para. 13.

The OPCV respectfully requests the Single Judge to identify, in the situation and/or case records, any confidential and/or under seal document and/or material relating to the warrants of arrest and/or to the security and protection of victims, if any, which the Single Judge considers necessary to disclose to the OPCV for the carrying out of the tasks described in the *"Decision on legal representation, appointment of counsel for the defense, protective measures and time-limit for submission of observations on applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06"*, and accordingly order the Registrar to provide such documents and/or material to the Principal Counsel.

In the alternative, the OPCV requests the Single Judge to authorise the Principal Counsel to consult the situation and case records in order to identify any confidential and/or under seal document and/or material which may be necessary to disclose to the OPCV. Accordingly, the Office will file a request before the Single Judge to access the relevant identified documents.



Paolina Massidda
Principal Counsel
Office of Public Counsel for Victims

Dated this 5 February 2007

At The Hague, The Netherlands