

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 12 March 2008

PRE-TRIAL CHAMBER II

Before: Judge Mauro Politi, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Ekaterina Trendafilova

Registrar: Mr Bruno Cathala

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

**Under Seal
Ex Parte, Prosecutor Only**

**DECISION ON THE PROSECUTOR'S URGENT APPLICATION DATED
10 MARCH 2008**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Mr Eric MacDonald, Trial Lawyer

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

NOTING the Prosecution's "Urgent Application for Authorization to Disclose Information Relating to the Warrants of Arrest and Requests for Arrest and Surrender Transmitted to the Central African Republic" ("CAR"), dated 10 March 2008 and received on 11 March 2008 (the "Prosecution's Application");¹

NOTING the Prosecution's request "that the Registry and/or the Prosecution be granted authorization to inform representatives of States and international bodies of the transmission to the CAR of the Warrants of Arrest and Requests for Arrest and Surrender at the earliest possible opportunity";

NOTING the warrant of arrest for JOSEPH KONY, issued by the Chamber on 8 July 2005, as amended on 27 September 2005,² and the warrants of arrest issued for VINCENT OTTI,³ OKOT ODHIAMBO⁴ and DOMINIC ONGWEN⁵ on 8 July 2005 (the "Warrants");

NOTING the "Decision to Issue Requests for Arrest and Surrender to the Central African Republic", dated 21 March 2007, in which the Chamber issued requests for arrest and surrender of JOSEPH KONY,⁶ VINCENT OTTI,⁷ OKOT ODHIAMBO⁸ and DOMINIC ONGWEN;⁹

¹ ICC-02/04-01/05-276-US-Exp.

² ICC-02/04-01/05-53.

³ ICC-02/04-01/05-54.

⁴ ICC-02/04-01/05-56.

⁵ ICC-02/04-01/05-57.

⁶ ICC-02/04-01/05-29-US-Exp, reclassified as public pursuant to Decision ICC-02/04-01/05-135.

⁷ ICC-02/04-01/05-13-US-Exp, reclassified as public pursuant to Decision ICC-02/04-01/05-135.

⁸ ICC-02/04-01/05-15-US-Exp, reclassified as public pursuant to Decision ICC-02/04-01/05-135.

⁹ ICC-02/04-01/05-16-US-Exp, reclassified as public pursuant to Decision ICC-02/04-01/05-135.

NOTING the requests to the CAR for arrest and surrender of JOSEPH KONY,¹⁰ VINCENT OTTI,¹¹ OKOT ODHIAMBO¹² and DOMINIC ONGWEN¹³, dated 21 March 2007 (the "Requests"), in which the Chamber, *inter alia*, ordered the Registrar to transmit to the CAR the Requests and the enclosed documentation, including copies of the Warrants and the Annexes thereto, with a view to their execution;

NOTING the reasons submitted in support of the Prosecution's Application, in particular those relating to the need to "best preserve the opportunity to arrest the individuals sought";

CONSIDERING the Chamber's inherent power to take appropriate measures to ensure the effectiveness of the proceedings;

NOTING regulation 46 (2) of the Regulations of the Court, according to which the Chamber is "responsible for any matter, request or information arising out of the situation assigned to it";

CONSIDERING that, for the purpose of disclosing information relating to the transmission of the Warrants and the Requests to the CAR, it is important that the Prosecutor and the Registrar act in fullest and closest consultation and cooperation;

HAVING REGARD THERETO AND FOR THESE REASONS;

¹⁰ ICC-02/04-01/05-225-Conf-Exp

¹¹ ICC-02/04-01/05-226-Conf-Exp

¹² ICC-02/04-01/05-228-Conf-Exp

¹³ ICC-02/04-01/05-227-Conf-Exp

THE CHAMBER HEREBY:

AUTHORISES the Prosecutor, in cooperation with the Registrar, on a confidential basis, to inform representatives of those States, inter-governmental organisations and regional forces, the cooperation of which is essential for the execution of the Warrants:

- (i) of the transmission of the Warrants to the Central African Republic;
- (ii) of the existence of the Requests and their transmission to the Central African Republic;

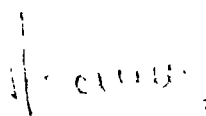
REQUESTS the Prosecutor to inform the Chamber of the governmental authorities, the inter-governmental organisations and the regional forces notified as authorised herein;

ORDERS that the Prosecution's Application and this Decision be kept under seal until further order by the Chamber.

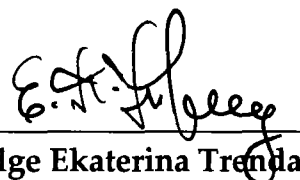
Done in English and French, the English version being authoritative.



Judge Mauro Politi
Presiding Judge



Judge Fatoumata Dembele Diarra



Judge Ekaterina Trendafilova

Dated this Wednesday, 12 March 2008,
At The Hague, The Netherlands