

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 2 January 2009

PRE-TRIAL CHAMBER II

Before: Judge Mauro Politi, Presiding Judge
Judge Hans Peter Kaul
Judge Ekaterina Trendafilova

SITUATION UGANDA

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

**Public Document
with 2 Redacted Annexes**

***Corrigendum* concerning two annexes appended to the “Observations on behalf of victims pursuant to article 19(1) of the Rome Statute with 55 Public Annexes and 45 Redacted Annexes”**

Source: Office of Public Counsel for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

***Ad Hoc* Counsel for the Defence**

Mr Jens Dieckmann

Legal Representative of Victims

a/0119/06

Ms Paolina Massidda

Legal Representatives of Applicants

Legal Representative of Victims

**a/0090/06, a/0098/06, a/0112/06, a/0118/06
and a/0122/06**

Ms Adesola Adeboyejo

Unrepresented Victims

a/0094/06, a/0095/06, a/0103/06, a/0117/06,
a/120/06, a/0121/06, a/0123/06, a/0124/06,
a/0076/07 to a/0078/07, a/0081/07,
a/0082/07, a/0084/07, a/0085/07, a/0090/07
to a/0103/07, a/0105/07 to a/0108/07,
a/0112/07 and a/0123/07

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 21 October 2008, the Chamber issued the “Decision initiating proceedings under article 19, requesting observations and appointing Counsel for the Defence”¹ (the “Decision”), inviting “*victims who have been admitted to participate in the case or their legal representatives*”, as well as “*those applicants who have submitted applications to be admitted to participate with respect to the case or their legal representatives*”, to submit observations on the admissibility of the case by 10 November 2008.²

2. On 31 October 2008, the Pre-Trial Chamber issued the “Decision of Defence Counsel’s ‘Request for conditional stay of proceedings’”,³ rejecting the Defence’s request for stay or suspension of the proceedings and granting “*the Republic of Uganda, the Prosecutor, the Defence and the victims having communicated with the Court with respect to the Case until Tuesday, 18 November 2008 to submit observations in the proceedings*”.⁴

3. On 18 November 2008, the Office of Public Counsel for Victims (the “Office” or the “OPCV”) filed the “Observations on behalf of victims pursuant to article 19(1) of the Rome Statute with 55 Public Annexes and 45 Redacted Annexes” (the “Observations”).⁵

4. As specified in the Observations, “*in compliance with the decisions by the Single Judge dated 1st February 2007 and 17 September 2008, which ordered the transmission to the Prosecution and to the Defence of redacted applications for the purpose of rule 89(1) of the Rules of Procedure and Evidence, it is necessary to provide the same participants with copies of the questionnaires expurgated of any details which may lead to the identification of the victims concerned. Furthermore, the Office considers that the security situation in Uganda*

¹ See the “Decision initiating proceedings under article 19, requesting observations and appointing counsel for the Defence”, No ICC-02/04-01/05-320, 21 October 2008.

² *Idem*, p. 7.

³ See the Decision of Defence Counsel’s ‘Request for conditional stay of proceedings’, 31 October 2008, No. ICC-02/04-01/05-328.

⁴ *Idem*, p. 9.

⁵ See the “Observations on behalf of victims pursuant to article 19(1) of the Rome Statute with 55 Public Annexes and 45 Redacted Annexes”, 18 November 2008, No. ICC-02-04-01/05-349.

and the fact that the victims live in areas of ongoing or potential conflict also justifies the provision of redacted copies to the Government of Uganda, as well as to the organisations acting as *amicus curiae* and to the public”⁶.

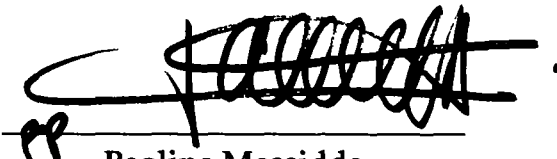
5. Accordingly, some annexes were provided in a redacted format and the Office proceeded with the communication of the unredacted version of the 45 redacted annexes to Pre-Trial Chamber II separately⁷.

6. However, it has come to the attention of the Office that in one redacted annex, the redactions made were not complete, whereas another annex was filed public without any redactions where it should have been redacted beforehand.

FOR THE FOREGOING REASONS,

The Principal Counsel of the Office files a *corrigendum* to the redacted Annex 9.

The Principal Counsel also respectfully requests the Pre-Trial Chamber to order the re-classification of Annex 40 from public to confidential *ex parte* only available to the OPCV and hereby files the corrected public redacted version of the said annex.


 PP
Paolina Massidda
Principal Counsel
Office of Public Counsel for Victims

Dated this 2nd day of January 2009

At The Hague (The Netherlands)

⁶ *Idem*, par. 38.

⁷ See the “Communication of the 45 unredacted Annexes appended to the ‘Observations on behalf of victims pursuant to article 19(1) of the Rome Statute with 55 Public Annexes and 45 Redacted Annexes’”, 18 November 2008, No. ICC-02-04-01/05-351-Conf-Exp.