

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 9 March 2006

PRE-TRIAL CHAMBER II

Before: Judge Tuiloma Neroni Slade, Presiding Judge
Judge Mauro Politi
Judge Fatoumata Dembele Diarra

Registrar: Mr Bruno Cathala

SITUATION IN UGANDA

Public Document

DECISION TO UNSEAL FURTHER DOCUMENTS OF THE RECORD

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Ms Christine Chung, Senior Trial Lawyer

Mr Eric MacDonald, Trial Lawyer

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

NOTING the application dated the 9th day of September 2005,¹ whereby the Office of the Prosecutor (the “OTP”) requested the unsealing of certain documents including the warrants of arrest previously issued by this Chamber;

NOTING the Chamber’s “Decision on the Prosecutor’s application for unsealing of the warrants of arrest”, dated the 13th day of October 2005 (hereinafter the “Initial Unsealing Decision”), by which the Chamber decided to unseal the warrants of arrest and a number of other documents of the record, as well as the existence and certain content of other documents;

RECALLING that in the “Decision to unseal further documents of the record”, dated the 2nd day of November 2005 (hereinafter the “Second Unsealing Decision”), the Chamber further unsealed documents wholly or in part;

RECALLING that in that same decision, the Chamber decided to convene a status conference, to be held on the 17th day of November 2005, with a view to considering matters related to the treatment of those documents of the record which remain under seal, whether as to their existence or to their content;

NOTING the “Update of proposed treatment of all relevant documents of the record and application for entry of reasons for sealing into public record” (hereinafter the

¹ See Application for unsealing of warrants of arrest issued on 8 July 2005, and other related relief, dated the 9th day of September 2005 (ICC-02/04-01/05-21-US-Exp).

"Update of Proposed Treatment of All Relevant Documents"), dated the 14th day of November 2005, submitted by the Prosecutor at the request of the Chamber in advance of the status conference, which comprised a chart detailing the proposed treatment of any document that : (1) has not yet been treated by the Chamber in its Initial or Second Unsealing Decisions; or (2) post-dates the 14th day of September 2005 and is currently sealed, whether in whole or in part;

RECALLING the consideration given to this document at the status conference held on the 17th day of November 2005, particularly with regard to the implications that the Prosecutor's proposed treatment of the documents in the record would have on the safety and security of victims and witnesses;

RECALLING the decision of the Chamber, in the Initial and Second Unsealing Decisions, to reserve its decision on the unsealing of other documents of the record, with a view to ensuring that they be given the correct and appropriate treatment;

NOTING that the unsealing of the documents listed hereafter, as well as the unsealing of the existence of certain documents also listed below, was requested by the Prosecutor in the Update of Proposed Treatment of All Relevant Documents; and that the Chamber agrees with the treatment proposed by the Prosecutor;

CONSIDERING that the sealing of the documents listed below, whether in entirety or as to their existence only, is no longer necessary and that their unsealing does not create any threat to the safety and security of victims and witnesses;

HAVING REGARD THERETO AND FOR THESE REASONS;

THE CHAMBER HEREBY:

DECIDES to unseal the following documents and orders that the same be made public:

- (i) Decision on the Prosecutor's application to disclose to internal auditor certain information relating to the amended application for warrants dated 13 June 2005, dated the 17th day of June 2005 (ICC-02/04-12-US-Exp);
- (ii) Decision to hold a hearing on the protection of victims and witnesses in connection with the Prosecutor's application for warrants of arrest and the Prosecutor's application dated 13 June 2005, dated the 17th day of June 2005 (ICC-02/04-13-US-Exp);
- (iii) Registration in the record of material presented during the *ex parte* hearing held in closed session on 16 June 2005, dated the 27th day of June 2005 (ICC-02/04-15-US-Exp);
- (iv) Decision on the Prosecutor's urgent application dated 26 September 2005, dated the 27th day of September 2005 (ICC-02/04-01/05-27-US-Exp);
- (v) Submission of information regarding Dominic Ongwen, dated the 5th day of October 2005 (ICC-02/04-01/05-43-US-Exp);

- (vi) Versement au dossier par le Greffier du procès-verbal de transmission à la République Démocratique du Congo des demandes d'arrestation et de remise conformément à la Décision relative à la demande urgente du Procureur datée du 26 Septembre 2005, dated the 7th day of October 2005 (ICC-02/04-01/05-47-US);
- (vii) Registration in the record of the memorandum of service regarding the transmission to the Republic of Uganda of the requests for arrest and surrender in accordance with the decision on the Prosecutor's urgent application dated 26 September 2005, dated the 7th day of October 2005 (ICC-02/04-01/05-48-US);
- (viii) Registration in the record of the memorandum of service regarding the transmission to the Republic of Sudan of the requests for arrest and surrender in accordance with the decision on the Prosecutor's urgent application dated 26 September 2005, dated the 7th day of October 2005 (ICC-02/04-01/05-49-US);
- (ix) Prosecutor's submission of BBC news article dated 4 October 2005 as referred to during hearing held on 6 October 2005, dated the 11th day of October 2005 (ICC-02/04-01/05-51-US-Exp);

DECIDES to unseal, as to their existence and title only, the following documents:

- (i) Prosecutor's application to disclose to internal auditor certain information relating to the amended application for warrants, dated the 13th day of June 2005 (ICC-02/04-11-US-Exp);

- (ii) Notification of additional matter relating to witness security, dated the 4th day of October 2005 (ICC-02/04-01/05-41-US-Exp);
- (iii) Notification of errata in prior OTP filing of 4 October 2005, dated the 4th day of October 2005 (ICC-02/04-01/05-42-US-Exp);
- (iv) Sealed supplement to Prosecutor's position on the decision of Pre-Trial Chamber II to redact factual descriptions of crimes from the warrants of arrest, motion for reconsideration, and motion for clarification, dated the 18th day of October 2005 (ICC-02/04-01/05-59-US-Exp);
- (v) Registration in the record of material presented during the status conference held in closed session on 6 October 2005, dated the 28th day of October 2005 (ICC-02/04-01/05-61-US-Exp);

DECIDES to reserve any other decision on the unsealing of documents of the record until further order by the Chamber.

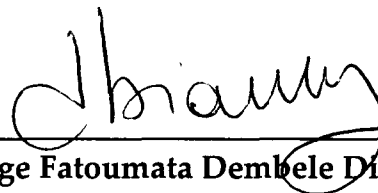
Done in both English and French, the English version being authoritative.



Judge Tuiloma Neroni Slade
Presiding Judge



Judge Mauro Politi



Judge Fatoumata Dembele Diarra

Dated this 9th day of March 2006

At The Hague, The Netherlands