

**Cour
Pénale
Internationale**
**International
Criminal
Court**

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

Date: 3 July 2006

Original: English

PRE-TRIAL CHAMBER II

Before: Judge Fatoumata Dembele Diarra, Single Judge

Registrar: Mr Bruno Cathala

SITUATION IN UGANDA
Case 01/05

Under Seal
Ex Parte, Prosecutor Only

**Request to Unseal Prosecutor's Notification that Government of Uganda Will
Continue Efforts to Execute Warrant of Arrest Naming Dominic Ongwen Filed-
on 11 April 2006**

The Office of the Prosecutor	
Mr. Luis Moreno Ocampo, Prosecutor Mrs. Fatou Bensouda, Deputy Prosecutor Ms. Christine Chung, Senior Trial Lawyer Mr. Eric MacDonald, Trial Lawyer	

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

3 July 2006

The OTP respectfully requests that the submission entitled "Notification That Government of Uganda Will Continue Efforts to Execute Warrant of Arrest Naming Dominic Ongwen" and its Annex A, filed on 11 April 2006, be unsealed in redacted form and on an expeditious basis¹. The Government of Uganda has notified the Registry in a correspondence dated 29 June 2006, that it was no longer requesting the Pre-Trial Chamber to maintain the confidentiality of this information. See Letter dated 29 June 2006 from the Solicitor General of Uganda, Mr. Tibaruha to the Registrar of the Court, Mr. Cathala, annexed hereto as Annex A.

Request for Sealing of This Submission

1. The OTP submits this request under seal, and *ex parte* since it relates to information initially filed under seal and *ex parte*. See "Notification". The OTP does not object to the unsealing of the request and Annex A being filed today, but the OTP requests that Annex B remain under seal as it relates to the proposed redactions to the "Notification".

Procedural Background

2. The OTP notified this Chamber, by filing dated 11 April 2006, that the Government of Uganda will continue efforts to execute the warrant of arrest naming Dominic Ongwen because DNA tests conducted on the corpse reported that of Ongwen failed to match the DNA of Ongwen's relatives. In addition, no other conclusive proof of Ongwen's death existed. The Government of Uganda also requested at the same time confidentiality of that

¹ Hereinafter "Notification". The OTP is requesting the PTC to keep under seal Annex B to the "Notification" for the reasons explained further in the present submission.

information in an attempt to enhance their efforts to effectuate the arrest of Dominic Ongwen before it became known that the DNA samples did not match and that there was no other conclusive proof that Ongwen was deceased.

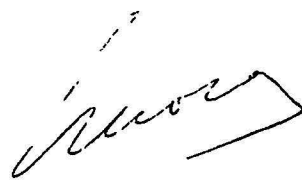
Request to Unseal in Redacted Form the Notification Filed on 11 April 2006

3. The OTP requests that the "Notification" and its Annex A, filed on 11 April 2006, be made public in redacted form since the Government of Uganda notified the Registry (*see* Annex A to the present submission), that it was no longer requesting the Pre-Trial Chamber to maintain the confidentiality of the results of the DNA test because recent information establishes that Ongwen may have left Northern Uganda. Therefore unsealing the "Notification", would no longer impair arrest efforts.
4. The OTP submits the proposed redactions to the "Notification" and its Annex A, under the authority of article 68(1) of the Statute. If made public, the information may make possible the identification of relatives some of whom are also witnesses. *See* Annex B to today's submission for the proposed redactions.
5. Under the authority of article 68(1), the OTP also requests the continued sealing of Annex B to the "Notification", filed on 11 April 2006. If made public, the information will reveal the identity of relatives some of whom are also witnesses. In addition, disclosure of Annex B could impair the ongoing investigation (*see* article 57(3)(c) of the Statute).

6. Furthermore, the OTP requests that the submission filed today be considered on an expeditious basis so that the Government of Uganda and the OTP can make public, as soon as possible, the results of the DNA test and other information conveyed by the GoU. There is a public interest in clarifying the facts and in raising public awareness that efforts to execute the Warrant of Arrest naming Dominic Ongwen are ongoing.

CONCLUSION

For the foregoing reasons, the Prosecutor respectfully requests the Pre-Trial Chamber to unseal in redacted form the "Notification" and Annex A, of the same, and to keep under seal Annex B filed with the "Notification". Additionally, the OTP requests that the unsealing be ordered on an expeditious basis. Finally, the OTP requests that the submission being filed today also be made public, with the exception of Annex B, of the same, which should remain under seal as it relates to the proposed redactions.



Luis Moreno Ocampo
Prosecutor

Dated this 3rd day of July 2006

At The Hague, The Netherlands

ANNEX

A

29 Jun 2006 3:00PM

SOLICITOR GENERAL (U)

+041 254829

P. 1

TELEGRAMS:

DIRECT LINES:

MINISTER'S OFFICE: 041-343401
ATTORNEY GENERAL'S OFFICE: 041-343841
SOLICITOR GENERAL'S OFFICE: 041-343941
UNDER SECRETARY'S OFFICE: 041-342261
GENERAL LINES: 041-2305389
FAX: 041-230802/254829

"ADMINISTER"



THE REPUBLIC OF UGANDA

MINISTRY OF JUSTICE AND
CONSTITUTIONAL AFFAIRS,
P.O. Box 7183,
Kampala, Uganda

In any correspondence on MJ/AG/39A
this subject please quote No.

PRIVILEGED AND CONFIDENTIAL29th June 2006

Honourable Bruno Cathala
Registrar of the
International Criminal Court
Maanweg 174, 2516 AB
The Hague, The Netherlands

Sir

RE: DOMINIC ONGWEN DNA TESTS

Pursuant to our letter of 7th April 2006 regarding the confidentiality of the DNA tests on the body reported to be that of Dominic Ongwen, I would like to inform you that we no longer request the Court to maintain the confidentiality of this information.

Recent information establishes that Ongwen may have left Northern Uganda. Therefore, unsealing the results of DNA tests will no longer impair arrest efforts.

Please accept, Sir, the assurances of my highest consideration.

L. Tibaruha
SOLICITOR GENERAL

REDACTED

REDACTED

~~Pursuant to decision ICC-02/04-01/05-89, this document has been reclassified to PUBLIC~~

~~ICC-02/04-01/15-62 11-02-2015 8/22 RH PT~~

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