

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original : English

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

Date: 3 April 2007

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
vs. JOSEPH KONY, VINCENT OTTI, RASKA LUKWIYA, OKOT
ODHIAMBO and DOMINIC ONGWEN**

Confidential
***Ex Parte*, Prosecutor Only**
**Clarification to Urgent Application To Obtain Guidance Regarding
Timing and Manner of Transmission of Requests for Arrest and Surrender
to the Central African Republic**

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

Preliminary Statement

The Office of the Prosecutor ("OTP") respectfully clarifies its application of yesterday's date to obtain guidance regarding the timing and manner of transmission of requests for arrest and surrender to the Central African Republic.

Request for Confidential, *Ex parte* Treatment

The OTP respectfully requests that this submission be received as confidential and *ex parte* to the Prosecutor only. This is the same level of confidentiality under which the Chamber issued its Decision to Transmit Requests to the CAR.

Clarification

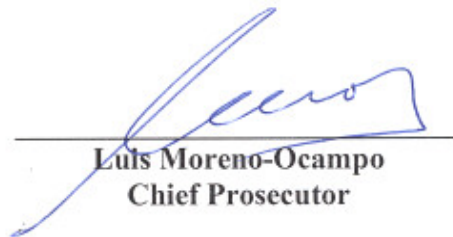
The OTP reiterates, as was stated in yesterday's filing, that the application to obtain guidance has been submitted on behalf of the OTP alone and that the Registry can be expected to add or update information as it deems appropriate and is its prerogative. For this reason, there are two mistaken references in yesterday's filing to "the OTP and the Registry" – in the last sentence of footnote 20, and in the first sentence of para. 14 – and an errant word ("jointly") in the second sentence of paragraph 10.

In addition, absolutely no comment upon the Registry was intended by the circumstance that the OTP submission was made before the Registry was able to comment on the submission itself. Rather, the OTP's concern was to avoid the circumstance that the Chamber lacked notice sufficient to enable it at least to begin to consider the matters raised by the application, given the

passage of time since the Chamber's decision of 21 March 2007, the approach of the proposed 19 April 2007 date for transmission, and the intervening Court recess. Regarding the timing of the transmission, the purpose of yesterday's submission is merely to avoid that the planning of the OTP and the Registry would differ from any expectation of the Chamber.

Conclusion

The OTP respectfully requests that this clarification be considered together with the OTP's filing of yesterday's date.



Luis Moreno-Ocampo
Chief Prosecutor

Dated this 3rd day of April 2007
At The Hague, The Netherlands